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A MANUAL

OF

CIVIL GOVERNMENT

FOR COMMON SCHOOLS

INTENDED FOR

PUBLIC INSTRUCTION

IN THE

STATE OF NEW YORK

TO WHICH ARE APPENDED THE CONSTITUTION OF THE STATE OF NEW YORK AS AMENDED AT THE ELECTION OF 1894, THE CONSTITUTION OF THE UNITED STATES, THE DECLARATION OF INDEPENDENCE, ETC., ETC.

BY

HENRY C. NORTHAM

One Hundred and Fifty-nineth Edition

THANS TO

NOTE.—It is a distinctive feature of this manual that it gives the present *facts* as to the Civil Government of the State. Hence every edition requires changes in names. For convenience, however, all these changes occur in the first 24 pages, and extra copies of these pages with the latest changes may be had at any time for 50 cts. a dozen.

SYRACUSE, N. Y.
C. W. BARDEEN, PUBLISHER
1897

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PREFACE TO FORTY-FIRST EDITION.

This revised and enlarged manual of Civil Government, containing a concise treatment of the School District, Town, City, County, State, and National Governments, is now offered to the schools of the State of New York, in the belief that a clear understanding of the science and art of government can be obtained therefrom; and that the subject of government can be made as interesting as any subject that is taught in our schools. In days like these, no person can afford to grow into manhood and womanhood without a knowledge of the workings of our government.

Aside from its value as a text-book, this manual will be found of value in every house for reference.

More than once copies of previous editions have been purchased for every member of the Legislature, and lawyers have come to regard it as a book to be within reach on every desk. Should not every voter have at have at hand the information it contains?

Let Civil Government be the handmaid of History, and a clear understanding of both will fit our boys and girls to hold as dear as their heart's blood the welfare, honor, and perpetuity of "The noblest land the sun ever shone upon," "Our Country first, last, and always."

HENRY C. NORTHAM.

LOWVILLE, *July* 1, 1886.

PRESIDENTIAL VOTE, FROM 1789 TO DATE.

INAUG-URATED.	CANDIDATES.	PARTY.	POPULAR VOTE.	ELEC-TORS.
1789	George Washington	.....	Elec. chosen by Legislature.	Unan
1797	John Adams	Fed...	" " "	71
	Thomas Jefferson	Dem..	" " "	69
1801	Thomas Jefferson	Dem..	Election went to H. of R.,	73
	Aaron Burr	Dem..	and Jefferson was elected	73
	John Adams	Fed...	on the 36th ballot.	65
1805	Thomas Jefferson	Dem..	Elec. chosen by Legislature.	148
	C. C. Pinckney	Fed...	" " "	28
1809	James Madison	Dem..	" " "	122
	C. C. Pinckney	Fed...	" " "	47
1813	James Madison	Dem..	" " "	128
	De Witt Clinton	Fed...	" " "	89
1817	James Monroe	Dem..	" " "	183
	Rufus King	Fed...	" " "	34
1821	James Monroe	Dem..	But 1 electoral vote in op...	
1825	J. Q. Adams	Fed...	105,321. Elec. by H. of R.	84
	Andrew Jackson	Dem..	155,872	99
	W. H. Crawford	Dem..	44,282	41
	Henry Clay	Whig .	46,587	37
1829	Andrew Jackson	Dem..	647,231	178
	J. Q. Adams	Fed...	509,097	83
1833	Andrew Jackson	Dem..	687,502	219
	Henry Clay	Whig .	530,189	49
	John Floyd	Whig .	Not known	11
	William West	Whig .	"	7
1837	Martin Van Buren	Dem..	761,549	170
	William H. Harrison	Whig .	736,656	124
1841	William H. Harrison	Whig .	1,275,011	234
	Martin Van Buren	Dem..	1,135,761	60
1845	James K. Polk	Dem..	1,337,243	170
	Henry Clay	Whig .	1,361,362	105
1849	Zachary Taylor	Whig .	1,360,099	163
	Lewis Cass	Dem..	1,220,544	127
	Martin Van Buren	Dem..	291,263	
1853	Franklin Pierce	Dem..	1,601,474	254
	Winfield Scott and others	Whig .	1,542,403	42
1857	James Buchanan	Dem..	1,838,169	174
	John C. Fremont and others	Rep...	2,215,798	122
1861	Abraham Lincoln	Rep...	1,866,352	180
	J. C. Breckenridge and others	Dem..	2,810,501	123
1865	Abraham Lincoln	Rep...	2,216,067	213
	Geo. B. McClellan	Dem..	1,808,725	21
1869	Ulysses S. Grant	Rep...	3,015,071	214
	Horatio Seymour	Dem..	2,709,613	80
1873	Ulysses S. Grant	Rep...	3,597,070	300
	Horace Greeley	L. & D.	2,834,079	66

INAUGURATED.	CANDIDATES.	PARTY.	POPULAR VOTE.	ELECTORS.
1877	Rutherford B. Hayes	Rep.	4,049,096	185
	Samuel J. Tilden	Dem.	4,315,801	184
	Peter Cooper	G'b'k.	81,907	
1881	James A. Garfield	Rep.	4,450,921	214
	Winfield S. Hancock	Dem.	4,447,888	155*
	J. B. Weaver	G'b'k.	307,740	
1885	Grover Cleveland	Dem.	5,874,118	219
	James G. Blaine	Rep.	4,849,850	182
	Benjamin F. Butler	G'b'k.	184,948	
	John P. St. John	Pro.	149,326	
1889	Benjamin Harrison	Rep.	5,439,853	233
	Grover Cleveland	Dem.	5,540,329	168
	Clinton B. Fisk	Pro.	249,506	
	Scattering		151,344	
1893	Grover Cleveland	Dem.	5,556,562	277
	Benjamin Harrison	Rep.	5,162,874	145
	James B. Weaver	Peop.	1,055,424	22
	John Bidwell	Pro.	264,066	
1897	William McKinley	Rep.	7,121,342	271
	William J. Bryan	Dem.	6,502,600	176
	John M. Palmer	N. Dem	134,731	
	Joshua Levering	Pro.	123,428	
	Charles H. Matchett	Soc L.	35,306	
	Charles E. Bentley	Nat.	13,535	

* Including Georgia's votes, not counted.

NOTE.—The one vote in 1821 was cast for John Quincy Adams by an elector from New Hampshire.

PRESIDENT MCKINLEY'S CABINET.

(See pp. 96–98.)

Secretary of State.....John Sherman, Ohio.

Secretary of Treasury.....Lyman J. Gage, Ill.

Secretary of War.....Russell A. Alger, Mich.

Secretary of Navy.....John D. Long, Mass.

Secretary of Interior.....Cornelius N. Bliss, N. Y.

Postmaster General.....James A. Gary, Md.

Attorney General.....Joseph McKenna, Cal.

Secretary of Agriculture.....James Wilson, Iowa.

GOVERNORS AND LIEUT. GOVERNORS.

Giving the names of all the Governors and Lieutenant Governors in and for the State of New York since the adoption of the first Constitution in 1777, to the present time.

NAMES OF GOVERNORS.	NAMES OF LIEUT. GOVERNORS.	IN.
George Clinton	Pierre Van Cortland	1777
John Jay	Stephen Van Rensselaer	1795
George Clinton	Jeremiah Van Rensselaer	1801
Morgan Lewis	John Broome	1804
*Daniel D. Tompkins	De Witt Clinton	1807
	John Taylor	1813
*John Taylor, L. Governor acting as Governor		1817
De Witt Clinton	John Taylor	1817
Joseph C. Yates	Erastus Root	1823
*De Witt Clinton	James Tallmadge	1825
	Nathaniel Pitcher	1827
*Nathaniel Pitcher, L. Governor acting as Governor		1828
*Martin Van Buren	Enos T. Throop	1829
*Enos T. Throop, L. Governor acting as Governor		1829
Enos T. Throop	Edward P. Livingston	1831
Wm. L. Marcy	John Tracy	1833
Wm. H. Seward	Luther Bradish	1839
Wm. C. Bouck	Daniel L. Dickinson	1843
Silas Wright	Addison Gardiner	1845
John Young	Hamilton Fish	1847
Hamilton Fish	Geo. W. Patterson	1849
Washington Hunt	Sanford E. Church	1851
Horatio Seymour	Sanford E. Church	1853
Myron H. Clark	Henry J. Raymond	1855
John A. King	Henry R. Selden	1857
Edwin D. Morgan	Robert Campbell	1859
Horatio Seymour	David R. Floyd Jones	1863
Reuben E. Fenton	Thomas G. Alvord	1865
	Steward L. Woodford	1867
John T. Hoffman	Allen C. Beach	1869
John A. Dix	John C. Robinson	1873
Samuel J. Tilden	Wm. Dorsheimer	1875

Lucius Robinson	Wm. Dorsheimer	1875
Alonzo B. Cornell	George G. Hoskins	1880
*Grover Cleveland	David B. Hill	1883
*David B, Hill, Lieut. Governor acting as Governor		1885
David B. Hill	Edward F. Jones	1886
David B. Hill	Edward F. Jones	1889
Roswell P. Flower	Wm. F. Sheehan	1892
Levi P. Morton	Charles T. Saxton	1895
Frank S. Black	Timothy L. Woodruff	1897

NOTES.—Daniel T. Tompkins resigned in 1817, to become Vice-President; John Taylor acting as Governor.

DeWitt Clinton died in office February 11, 1828; Nathaniel Pitcher serving the unexpired term.

Martin Van Buren resigned April 7, 1829, and accepted the office of Secretary of State under Andrew Jackson, Enos Throop serving the unexpired term.

Grover Cleveland resigned January 1, 1885, having been elected to the Presidency of the United States, David B. Hill serving the unexpired term.

Prior to 1823, the term was *three* years; from 1823 to 1877, the term was *two* years; from 1877 to 1894, the term was *three* years; it is now *two* years. Governor Clinton first entered upon his duties July 9; in 1787 an act was passed making the officer's term begin July 1. The constitution of 1821 provided that the term begin January 1.

JUDGES OF THE COURT OF APPEALS.

The Court consists of a Chief Judge and six Associate Judges, who hold office fourteen years.

NAMES.	TERM EXPIRES.
Charles Andrews, Chief Judge	1906
John Clinton Gray, Associate	1902
Dennis O'Brien, "	1903
Edward T. Bartlett, "	1907
Albert Haight, "	1908
Celora E. Martin, "	1909
Irving G. Vann, "	1910

The court for the trial of impeachment of State officers is composed of the President of the Senate, the Senate, and the Judges of the Court of Appeals.

UNITED STATES SENATORS FROM NEW YORK.

FIRST CLASS.	ELECTED.
Philip Schuyler	1789
Aaron Burr	*1791
Philip Schuyler	*1797
John S. Hobart	1798
Wm. North	1798
James Watson	1798
Gouverneur Morris	1800
Theodorus Bailey	*1803
Samuel Mitchell	1804
Obadiah German	*1809
Nathan Sanford	*1815
Martin Van Buren	*1821
Martin Van Buren	*1827
Charles E. Dudley	1829
Nathaniel P. Tallmadge	*1833
Nathaniel P. Tallmadge	*1839
Daniel S. Dickinson	*1845
Hamilton Fish	*1851
Preston King	*1857
Edwin D. Morgan	*1863
Reuben E. Fenton	*1869
Francis Kernan	*1875
Thomas C. Platt	*1881
Warner Miller	1881
Frank Hiscock	*1887
Edward Murphy	*1893

THIRD CLASS.	ELECTED.
Rufus King	1789
Rufus King	*1795
John Lawrence	1796
John Armstrong	*1801
De Witt Clinton	1802
John Armstrong	1803
John Smith	1804
John Smith	*1807
Rufus King	*1813
Rufus King	*1819
Nathan Sanford	*1825
Wm. L. Marcy	*1831
Silas Wright, Jr	1833
Silas Wright, Jr	*1837
Silas Wright, Jr	*1843
Henry Foster	1844
John A. Dix	1845
Wm. H. Seward	*1849
Wm. H. Seward	*1855
Ira Harris	*1861
Roscoe Conkling	*1867
Roscoe Conkling	*1873
Roscoe Conkling	*1879
Elbridge G. Lapham	1881
Wm. M. Evarts	*1885
David B. Hill	*1891
Thomas C. Platt	1897

* See page 69.

CHIEF JUSTICES OF THE SUPREME COURT.

1. John Jay, of New York.....1789–1795.
2. John Rutledge, of South Carolina..... 1795.
3. Oliver Ellsworth, of Connecticut.....1796–1800.
4. John Marshall, of Virginia.....1800–1835.
5. Roger B. Taney, of Maryland.....1836–1864.
6. Salmon P. Chase, of Ohio.....1864–1873.
7. Morrison R. Waite, of Ohio.....1874–1888.
8. Melville W. Fuller, of Illinois.....1888–

UNITED STATES SUPREME COURT. (See pp. 84–86.)

CHIEF JUSTICE.

Melville W. Fuller.....appointed 1888.

ASSOCIATE JUSTICES.

Stephen J. Field.....	appointed	1863.
John M. Harlan.....	"	1877.
Horace Gray.....	"	1881.
David J. Brewer.....	"	1889.
Henry B. Brown.....	"	1890.
George Shiras, jr.....	"	1892.
Edward Douglas White.....	"	1894.
Rufus W. Peckham.....	"	1895.

CIRCUIT COURTS OF APPEALS. (See pp. 84–86.)

On March 3, 1891, Congress established a new Federal Court in order to relieve the Supreme Court, and to shorten delays in litigation. The President appointed an additional Judge in each of the 9 districts, at a salary of $6,000 without mileage; and a Circuit Court of Appeals is created in each circuit. In what constitute a majority of cases the decision of the new court is final, except that the Circuit Court has the right to certify any questions of law to the Supreme Court for its instruction, and where the Circuit Court does not make such a certificate the Supreme Court has the right to issue a *certiorari* to require cases to be certified to it for hearing. The decision of the Circuit Court is final in cases in which the jurisdiction is dependent upon the character of the suitors as citizens or aliens, in cases arising under the patent and revenue laws, in cases of inferior crimes which cannot be taken directly to the Supreme Court, and in admiralty cases other than prize. New York is in the 2d Circuit, comprising also Connecticut and Vermont. The New York judges of the Circuit courts are William J. Wallace, E. Henry Lacombe; of the District courts, Alfred C. Coxe, Utica; Addison Brown, New York; and C. L. Benedict, Brooklyn. Her U. S. district attorneys are Wm. A Poucher, Oswego; James L. Bennett, Brooklyn; and W. Macfarlane, New York.

THE JUDICIAL DISTRICTS
—OF THE—
STATE OF NEW YORK
APPORTIONED ACCORDING TO THE CONSTITUTION.
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SUPREME COURT OF NEW YORK. (Pp. 78–83, 181–185.)

1st. The city and county of New York

Geo. P. Andrews,	New York City,	1897	Henry Bischoff, Jr.,	N.Y. City,	1903
Charles H. Van Brunt,*	"	1897	John J. Freedman,	"	1904
Joseph F. Daly,	"	1898	David McAdam,	"	1904
Roger A. Pryor,	"	1898	Henry A. Gildersleeve,	"	1905
George C. Barrett,†	"	1899	Geo. L. Ingraham,†	"	1905
John Sedgwick,	"	1899	Leonard A. Giegrich,	"	1906
Henry W. Bookstaver,	"	1899	Miles Beach,	"	1907
Edward Patterson,†	"	1900	Henry R. Beekman,	"	1908
P. Henry Dugro,	"	1900	Charles H. Truax,	"	1909
Morgan J. O'Brien,†	"	1901	Charles F. MacLean,	"	1909
Abraham R. Lawrence,	"	1901	Frederick Smyth,	"	1909

2d. Rich'd, Suffolk, Orange, Kings. West'r, Queens, Rock'd, Put'm, Dutchess.

Willard Bartlett,†	Brooklyn..... 1897	Wilmot F. Smith,	Patchogue. ...1909
Augustus Van Wyck,	Brooklyn..1898	Martin J. Keogh,	New Rochelle..1909
William J. Osborne,	Brooklyn....1900	Wm. W. Goodrich,	Brooklyn.....1910
William J. Gaynor,	Brooklyn,....1907	Michael H. Hirschberg,	Newb'g.1910
Edgar M. Cullen,†	Brooklyn,.....1908	Garret J. Garretson,	Flushing... 1910
William D. Dickey,	Brooklyn....1909	Samuel T. Maddox,	Brooklyn....1910

3d. Columbia, Rensselaer, Sullivan, Ulster, Albany, Greene, and Schoharie.

Alton B. Parker,	Kingston..... 1900	D. Cady Herrick,†	Albany,.. 1905
Samuel Edwards,	Hudson.... ...1901	Alden Chester,	Albany.....1909
Edgar L. Fursman,	Troy... ... .1903	Emory A. Chase,	Catskill..... ..1910

4th. Warren, Saratoga, St. Lawrence, Washington, Essex, Clinton, Franklin, Montgomery, Hamilton, Fulton, and Schenectady counties.

John R. Putnam,†	Saratoga Spr..1900	Leslie W. Russell,	Canton.....1905
Justin S. Landon,†	Schenectady,.1901	Martin L. Stover,	Amsterdam...1905
S. Alonzo Kellogg,	Plattsburgh..1904	Chester B. McLaughlin	P't H'nry,.1909

5th. Onondaga, Jefferson, Oneida. Oswego, Herkimer, and Lewis counties.

Pardon C. Williams,‡	Watertown. 1897	Peter B. McLennan,	Syracuse....1906
George A. Hardin,*	Little Falls..1899	William E. Scripture,	Rome.....1909
Milton H. Merwin,§	Utica. 1902	Frank H. Hiscock,	Syracuse 1910
Maurice L. Wright,	Oswego.....1905		

6th. Otsego, Delaware, Madison, Chenango, Tompkins, Broome, Chemung, Schuyler, Tioga, Cortland counties.

Charles E. Parker,*	Owego.....1901	Walter Lloyd Smith,	Elmira.....1902
Gerritt A. Forbes,	Canastota.....1901	George F. Lyon,	Binghamton. ..1909
David L. Follett,†	Norwich.. 1902	Burr Mattice,	Oneonta..... ..1910

7th. Livingston, Ontario, Wayne, Yates, Steuben, Seneca, Cayuga, Monroe.

Wm. H. Adams,†	Canandaigua...1901	Wm. E. Werner,	Rochester.....1908
John M. Davy,	Rochester.....1902	James W. Dunwell,	Lyons.....1909
Charles C. Dwight,	Auburn,.....1900	Edwin A. Nash,	Avon..... ...1909
William Rumsey,‡	Bath... 1908		

8th. Erie, Chaut., Catt., Orleans, Niagara, Genesee, Allegany, Wyoming.

Henry A. Childs,‖	Medina.....1897	Manly C. Green,	† Buffalo.....1905
Hamilton Ward,†	Belmont.....1899	Edward W. Hatch,‖	Buffalo 1909
Robert C. Titus,	Buffalo ... .1899	Frank C. Laughlin,	Buffalo.....1909
John S. Lambert,	Fredonia.....1903	Alfred Spring,	Franklinville.....1909
Truman C. White,	Buffalo..... ..1905	John Woodward,	Jamestown....1910

* Presiding Justice, Appellate Division. † Justice of Appellate Division.
‡ Justice of Appellate Division, *1st* Dep't. ‖ Ditto, *2d* Dep't. § Ditto, *3d* Dep't.

37. New Brighton,*	8. Geneva,†	42. Jamaica,*	16. Whitehall,
39. Edgewater,*	26. Greenbush,	35. Port Chester,	9. Waterloo,
(Stapleton),	5. Batavia,	46. Norwich,	29. Matteawan,
18. Saratoga Spa.,	1. Tonawanda,	31. Haverstraw,	7. Penn Yan,
23. Lansingburg,	22. Hoosick Falls,	14. Malone,	28. Saugerties,
30. Peekskill,	15. Plattsburgh,	27. Catskill,	13. Fulton,
17. Glens Falls,	39. P't Richm'nd,*	43. Hempstead,	49. Waverly,
32. Sing Sing,	45. Oneonta,	2. N.Tonawanda,	33. Nyack,
44. Port Jervis,	40. College Point,*	4. Albion,	21. Ilion,
47. Cortland,	10. Seneca Falls,	3. Medina,	34. White Plains,
41. Flushing,*	12. Oneida,	11. Lyons,	48. Owego.
36. New Rochelle,	6. Canandaigua,	24. Green Island,	

* Part of New York City after Jan. 1, 1898.

† To be made a city by the present Legislature.

NUMBER OF TOWNS AND CITIES, BY COUNTIES.

[The Counties are numbered according to the Map inside cover.]

		TOWNS.	CITIES.
34.	Albany	9	3.
20.	Allegany	29	
16.	Broome	15	1.
21.	Cattaraugus	32	1.
22.	Chautauqua	25	2.
45.	Cayuga	23	1.
18.	Chemung	11	1.
31.	Chenango	21	
58.	Clinton	14	
13.	Columbia	18	1.
30.	Cortland	15	
15.	Delaware	19	
10.	Dutchess	20	1.
23.	Erie	25	1.
57.	Essex	18	
59.	Franklin	17	
39.	Fulton	10	2.
47.	Genesee	13	
14.	Greene	14	
55.	Hamilton	8	
41.	Herkimer	19	1.
53.	Jefferson	22	1.
3.	Kings*	4	1*
54.	Lewis	18	
25.	Livingston	17	
43.	Madison	14	
50.	Monroe	19	1.
40.	Montgomery	10	1.
5.	New York		1.
48.	Niagara	12	2.
42.	Oneida	26	2.
44.	Onondaga	19	1.
46.	Ontario	16	
8.	Orange	18	2.
49.	Orleans	10	
52.	Oswego	21	1.
32.	Otsego	24	
9.	Putnam	6	
2.	Queens	6	1*
36.	Rensselaer	16	1.
4.	Richmond*	5	
7.	Rockland	5	
60.	St. Lawrence	31	1.
38.	Saratoga	20	
35.	Schenectady	5	1.
33.	Schoharie	16	
28.	Schuyler	8	
27.	Seneca	10	
19.	Steuben	32	2.
1.	Suffolk	10	
12.	Sullivan	15	
17.	Tioga	9	
29.	Tompkins	9	1.
11.	Ulster	20	1.
56.	Warren	11	
37.	Washington	17	
51.	Wayne	15	
6.	Westchester	21	2.
24.	Wyoming	16	
26.	Yates	9	
		937	38

* Part of New York City after Jan. 1, 1898.

MANUFACTURING STATISTICS.

In this table, from the census of 1890, the cities are numbered according to the amounts.

7. Albany	$ 25,536,486	16. Newburgh	$ 6,964,287
13. Auburn	9,634,785	1. New York	777,322,721
11. Binghamton	15,040,152	15. Oswego	7,482,378
2. Brooklyn	269,244,147	17. Poughkeepsie	6,254,132
3. Buffalo	100,052,208	4. Rochester	65,091,156
12. Cohoes	10,836,260	5. Syracuse	29,297,241
14. Elmira	8,844,936	6. Troy	29,248,750
18. Kingston	4,009,574	10. Utica	15,615,715
9. Long Island City	16,200,226	8. Yonkers	21,319,017

THE CITIES OF NEW YORK. *See pages 207–209*

Numbered as on the Map	*Date of Incorpor'n*	*Pop'n in 1860*	*Pop'n in 1870*	*Pop'n in 1880*	*Pop'n in 1890*	*State Cen. 1892*
First Class		1,072,319*	1,338,391*	1,790,091†	2,352,150†	2,768,117†
30. New York,	1680	805,658	942,292	1,206,299	1,515,301	1,801,739
30. Brooklyn,‡	1834	200,001	396,099	566,663	806,343	930,633
2. Buffalo,	1832	81,129	117,714	155,134	255,664	278,796
Second Class						
5. Rochester,	1834	48,204	62,386	89,366	133,896	144,834
23. Albany,	1686	62,367	69,422	90,758	94,923	97,120
9. Syracuse,	1847	28,119	43,051	51,792	88,143	91,944
21. Troy,	1816	39,235	46,465	56,747	60,956	64,986
Third Class.						
19. Utica,	1832	22,529	28,804	33,914	44,007	46,608
30. L. I. City,‡	1870	.....	.....	17,190	30,506	35,745
32. Binghamton,	1867	8,325	12,692	17,317	35,005	34,514
28. Yonkers,	1872	11,848	18,357	18,892	32,833	31,419
33. Elmira,	1864	8,682	15,863	20,541	30,893	29,911
8. Auburn,	1848	10,986	17,225	21,924	25,858	24,737
27. Newburgh,	1865	.....	17,014	18,049	23,087	24,536
13. Cohoes,	1869	8,800	15,357	19,416	22,509	23,234
26. Poughkeepsie	1854	14,726	20,080	20,207	22,206	23,196
14. Schenectady,	1798	.....	11,026	13,655	19,902	22,858
10. Oswego,	1848	16,816	20,910	21,116	21,842	21,966
25. Kingston,	1872	.....	.....	18,344	21,261	21,495
37. Jamestown,	1886	.....	5,336	9,357	16,038	18,617
15. Amsterdam,	1885	.....	5,426	9,466	17,336	18,542
11. Watertown,	1869	7,567	9,336	10,697	14,725	16,982
4. Lockport,	1865	.....	12,426	13,522	16,038	16,088
17. Gloversville,	1890	.....	4,518	7,133	13,864	14,694
29. Mt. Vernon,	1892	.....	.....	.....	.....	14,000
7. Ithaca,	1888	.....	8,462	9,105	11,079	13,450
20. Rome,	1870	9,289	11,000	12,194	14,991	13,038
18. Little Falls,	1895	.....	.....	.....	.....	12,000
22. Watervliet,	1897	.....	.....	.....	.....	12,967
12. Ogdensburg,	1868	7,409	10,076	10,341	11,662	11,955
36. Olean,	1894	.....	.....	.....	11,507	.....
35. Hornellsville,	1888	.....	4,552	8,195	10,996	11,898
3. Niagara Falls	1892	.....	.....	.....	.....	11,711
31. Middletown,	1888	.....	6,049	8,494	11,977	11,612
1. Dunkirk,	1880	.....	.....	7,248	9,416	10,040
34. Corning,	1890	.....	4,018	4,802	8,550	10,025
16. Johnstown,	1895	.....	.....	.....	.....	10,000
24. Hudson,	1785	.....	8,615	8,670	9,970	9,642
6. Geneva,	(To be made a city by the present Legislature)					

* Including Brooklyn. † Including Brooklyn and Long Island City. ‡ To be consolidated with New York, Jan. 1, 1898.

REGENTS OF THE UNIVERSITY.

The Governor, *ex-officio*.
The Lieutenant-Governor, *ex-officio*.
1873. Martin I. Townsend.....Troy
1874. Anson J. Upson.....Glens Falls
1877. Orris H. Warren.....Syracuse
1877. Chauncey M. Depew..New York
1877. Charles E. Fitch.....Rochester
1878. Whitelaw Reid... ...New York
1881. Wm. H. Watson,.....Utica
1881. Henry E. Turner.....Lowville
1883. St. Clair McKelway...Brooklyn
1885. Hamilton Harris.....Albany
The Secretary of State, *ex-officio*.
The Sup't of Pub. Instruction, *ex-officio*.
1885. Daniel Beach..... .....Watkins
1888. Carroll E. Smith.....Syracuse
1890. Pliny T. Sexton.....Palmyra
1890. T. Guilfold Smith.. ....Buffalo
1892. Wm. Cresswell Doane..Albany
1893. Lewis A. Stimson....New York
1894. Sylvester Malone.....Brooklyn
1895. Albert Van der Veer....Albany
1897. Chester S. Lord..... New York

OFFICERS OF THE BOARD OF REGENTS.

Salaries.

Chancellor, Anson J. Upson, Glens Falls..... ———
Vice-Chancellor, Wm. Cresswell Doane, Albany..... ———
Secretary and State Librarian, Melvil Dewey, Albany..... ..$5,000

OFFICERS OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

Superintendent, Charles R. Skinner, Albany.....$5,000
Deputy, Danforth E. Ainsworth, Albany..... 4,500
Sup't of Teachers' Classes, Augustus S. Downing, Albany..... 3,500
Sup't of Truancy, A. M. Wright, Waterville..... 3,000
Assistants, A. Edson Hall, Saratoga Springs. 2,000
W. J. Barr, Batavia..... 2,000
Examination Clerk, Thomas E. Finegan..... 2,500
Statistical Clerk, ... 2,000
Sup't of Teachers' Library, L. O. Wiswell..... 1,800
Board of Institute Instructors, each..... 3,000

Henry R. Sanford, Penn Yan, Welland Hendrick, Cortland,
Isaac H. Stout, Geneva, A. C. McLachlan, Seneca Falls,
Percy I. Bugbee, Oneonta.
Gratia L. Rice, Florence B. Himes, *Drawing*.
Anna L. Eggleston, *Primary*.
Inspectors of Teachers' Classes, $2,500, S. W. Maxson, Adams Centre,
Frank H. Wood, Chatham.

PRINCIPALS OF THE STATE NORMAL SCHOOLS, $3,300.

As numbered on the Map on inside last cover.

7. Albany Normal College..... W. J. Milne, Ph.D., LL.D.
2. Brockport..... ....Chas. D. McLean, LL.B.
1. Buffalo..... ....James M. Cassety, Ph.D.
11. Cortland.....Francis J. Cheney, Ph.D.
12. Fredonia.. ....F. B. Palmer, Ph.D.
3. Geneseo..... .....John M. Milne, A. M.
9. Jamaica (to open Sept. 1, 1897) .. . .A. C. McLachlan, A.M.
8. New Paltz.....Frank S. Capen, Ph.D.
10. Oneonta..... . .....James M. Milne, Ph.D.
4. Oswego..... ....E. A. Sheldon, Ph.D.
6. Plattsburgh..... ....E. N. Jones, Ph.D.
5. Potsdam ....Thos. B. Stowell, Ph.D.

COLLEGES.

(*See Map on inside last cover*).

20. Alfred Univ., Alfred Centre, 1857.
17. Barnard College, New York, 1889.
1. Canisius College, Buffalo, 1883.
18. Colgate Univ., Hamilton, 1846.
17. College of St. Francis Xavier, New York, 1861.
17. College of the City of New York, 1854.
17. Columbia Cl., New York, 1754.
6. Cornell University, Ithaca, 1865.
15. Drew Female Cl., Carmel, 1866.
19. Elmira College, Elmira, 1855.
11. Hamilton College, Clinton, 1812.
5. Hobart College, Geneva, 1825.
4. Keuka Cl., Keuka College, 1892.
17. Manhattan Cl., New York, 1863.
2. Niagara Univ., Niagara Falls, 1883.
17. Normal College of the City of New York, 1888.
16. Polytechnic Institute of Brooklyn, 1869.
12. Rensselaer Polytechnic Institute, Troy, 1824.
17. Rutgers Female Cl., New York, 1867.
21. St. Bonaventure's College, Allegany, 1875.
16. St. Francis's Cl., Brooklyn, 1884.
16. St. John's Cl., Brooklyn, 1871.
17. St. John's Cl., Fordham, 1846.
9. St. Lawrence Univ., Canton, 1856.
13. St. Stephen's College, Anandale, 1860.
8. Syracuse Univ., Syracuse, 1870.
17. Teachers' Cl., New York, 1887.
10. Union Cl., Schenectady, 1795.
17. University of the City of New York, 1831.
3. Univ. of Rochester, Rochester, 1851.
14. Vassar Cl., Poughkeepsie, 1861.
7. Wells College, Aurora, 1868.

CHARITABLE AND CORRECTIONAL INSTITUTIONS.

(*See Map at end of book*).

PRISONS.

6. Auburn. 10. Dannemora. 15. Sing Sing.

REFORMATORIES.—*For Boys and Men.*

20. Elmira. 14. Napanock. New York (House of Refuge).
3. Rochester Industrial School.

For Women.

16. Bedford Station.
13. House of Refuge, Hudson.

INSTITUTIONS FOR THE BLIND.

2. Batavia. New York.

INSTITUTIONS FOR DEAF-MUTES.

1. Buffalo. Fordham (New York).
9. Malone. New York.
3. Rochester. 12. Rome.

ASYLUMS FOR THE FEEBLE-MINDED.

7. Syracuse. [Newark.
4. Custodial Asylum for Women,

ASYLUMS FOR THE INSANE.

6. Auburn (Insane Criminals).
Matteawan (Insane Criminals).
19. Binghamton. 1. Buffalo.
18. Middletown (Homeopathic).
8. Ogdensburg.
5. Ovid (Willard Asylum).
15. Poughkeepsie.
3. Rochester. 11. Utica.

MISCELLANEOUS.

19. Asylum for Inebriates, Bingham'n.
21. Soldiers' and Sailors' Home, Bath.
11. Masonic Home, Utica.

INDIAN RESERVATIONS.

(*See Map beginning book*).

7. Allegany. 3. Onondaga. 5. Shinnecock. 1. Tuscarora.
6. Cattaraugus. 4. St. Regis. 2. Tonawanda.

NEW YORK STATE OFFICIALS. JAN. 1, 1897

ELECTED BY THE PEOPLE.

	Term expires.
Governor, Frank S. Black	Dec. 31, 1898
Lieut.-Gov., Timothy L. Woodruff	" " "
Sec'y of State, John Palmer	Dec. 31, 1897
Comptroller, James A. Roberts	" " "
Treasurer, Addison B. Colvin	" " "
Attorney-General, Theodore E. Hancock	" " "
State Engineer, Campbell W. Adams	" " "

APPOINTED BY GOVERNOR AND SENATE.

	Term expires.
Sup't of Insurance, Louis F. Payn, Chatham	Feb. 11, 1900
" " Banking, Frederick D. Kilburn, Malone	Mar. 29, 1899
" " Prisons, Austin Lathrop, Corning	Apr. 17, 1898
" " Public Works, Geo. W. Aldridge, Rochester	Dec. 31, 1898

Health officer of the Port of New York, Alvah H. Doty.

STATE COMMISSIONERS OF PRISONS.

(By judicial districts; see page x.)

I. Lispenard Stewart, N. Y.
II. Charles J. Boyd, Middletown.
III. Nelson Davenport, Troy.
IV. William R. Remington, Canton.
V. John G. Dorrance, Camden.
VI. William J. Montague, Cortland
VII. Mrs. John Davenport, Bath.
VIII. William H. Walter, Buffalo.

SENATE.—ELECTED BY THE PEOPLE. See page 52.

Term expires Dec. 31, 1898.

President ..... Charles T. Saxton.

President *pro tem* ..... T. E. Ellsworth.

Dist.		*Dist.*	
1.	Richard Higbee,	26.	John Grant,
2.	Theodore Koehler,	27.	Hobart Krum,
3.	F. J. Gallagher,	28.	Edgar T. Brackett,
4.	George W. Brush,	29.	Myer Nussbaum,
5.	Michael J. Coffey,*	30.	Le Grand C. Tibbits,
6.	James Taylor,	31.	George Cahoon,
7.	P. H. McCarren,	32.	George R. Malby,
8.	Albert A. Wray,	33.	Walter L. Brown,
9.	Julius L. Wieman,	34.	Henry J. Coggeshall,*
10.	John F. Ahearn,*	35.	Joseph Mullen,*
11.	Timothy D. Sullivan,*	36.	Horace White,
12.	Samuel J. Foley,	37.	N. N. Stranahan,
13.	Bernard F. Martin,	38.	William E. Johnson,
14.	Thomas F. Grady,	39.	B. M. Wilcox,
15.	Frank D. Pavey,	40.	Edwin C. Stewart,
16.	Louis Munzinger,	41.	John S. Sheppard,
17.	Charles G. Page,	42.	John Raines,*
18.	Maurice Featherson,	43.	Cornelius R. Parsons,*
19.	John Ford,	44.	Henry Harrison,
20.	Jacob A. Cantor,*	45.	T. E. Ellsworth,
21.	Charles L. Guy,*	46.	L. H. Humphrey
22.	James I. Burns,	47.	Charles Lamy,*
23.	Clarence Lexow,*	48.	Simon Seibert,
24.	William C. Daley,	49.	George A. Davis,
25.	Charles Davies,	50.	Frank W. Higgins.*

* Re-elected, 1895.

SPEAKER OF ASSEMBLY...James M. E. O'Grady, Rochester

CLERK.....Archie Baxter, Elmira

NEW YORK REPRESENTATIVES IN THE 55TH CONGRESS.

Term begins March 4, 1897; ends March 3, 1899.

Speaker, Thomas B. Reed.

(For Districts, see map on page 102.)

Dist.		*Dist.*	
1.	Joseph M. Belford,	18.	John Henry Ketcham,†
2.	Dennis M. Hurley,*	19.	Aaron V. S. Cochran,
3.	Francis H. Wilson,*	20.	George N. Southwick,*
4.	Israel F. Fischer,*	21.	David Forrest Wilber,*
5.	Charles G. Bennett,*	22.	Lucien N. Littauer,
6.	James R. Howe,*	23.	Wallace T. Foote jr.,*
7.	John H. G. Vehslage,	24.	Charles A. Chickering,*
8.	John Murray Mitchell,*	25.	James S. Sherman,*
9.	Thomas J. Bradley,	26.	George W. Ray,*
10.	Amos J. Cummings, *	27.	James J. Belden,†
11.	William Sulzer,*	28.	Sereno E. Payne,*
12.	Geo. B. McClellan,*	29.	Charles W. Gillet,*
13.	Richard C. Shannon,*	30.	James W. Wadsworth,*
14.	Lemuel Ely Quigg,*	31.	Henry C. Brewster,*
15.	Philip B. Low,*	32.	Rowland B. Mahany,*
16.	William L. Ward,	33.	Col. D. S. Alexander,
17.	Benjamin B. O'Dell, jr.,*	34.	Warren B Hooker.*

* Served in 54th Congress. † Had served in a previous Congress.

NEW YORK SENATORS IN THE 55TH CONGRESS.

(See list on page viii.)

Edward Murphy. Thomas C. Platt.

President of the Senate, Garrett A. Hobart.

President *pro tem.* William C. Frye.

COUNTY DIRECTORY

	Name	*Term expires.*
Sheriff		
Judge		
Surrogate		
Assembly		
Assembly		
Treasurer		
District Attorney		
Coroners		
Superintendents of the Poor		
Justices of Sessions		
School Commissioners		
Loan Commissioners		
Chairman Board of Supervisors		
Clerk Board of Supervisors		
Member House of Representatives		No. dist.
State Senator		No. dist.

NOTE—Write the names of the several officials opposite the titles for reference, changing them as other officials are elected or appointed.

TOWN DIRECTORY.

	Name.	*Term expires.*
Supervisor		
Clerk		
Justices		
Assessors		
Highway Commissioners		
Overseers of the Poor		
Collector		
Constables		
Game Constable		
Excise Commissioners		
Inspectors of Election		
Sealer of Weights and Measures		

NOTE.—Write the names of town officials in same manner as county.

WEBSTER FREE LIBRARY
Foot 70th Street, E. N.

CIVIL GOVERNMENT.

DEFINITIONS AND HISTORY OF OUR GOVERNMENT.

What is Government?

Government is the power which makes, construes, and executes the laws.

What is Civil Government?

Civil Government is that whose powers are vested in officers chosen by the people or appointed by authority.

What is the Science of civil government?

The science of civil government investigates the principles of a constitutional government, and illustrates its methods of operation.

What were the thirteen United States prior to the year 1776?

They were colonies subject to Great Britain.

FIRST CONTINENTAL CONGRESS.

When did the Congress known as the First Continental Congress meet?

The First Continental Congress assembled in "Carpenter's Hall," Philadelphia, and commenced work Sept. 5, 1774; it consisted of fifty-three delegates, and adjourned Oct. 26, after having provided for another

Congress to meet the following May. *Georgia* was not represented in this Congress.

NOTE.—It was in the First Congress that Patrick Henry used *these memorable words:*

"British oppression has effaced the boundaries of the several Colonies: the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I AM NOT A VIRGINIAN BUT AN AMERICAN."

SECOND CONTINENTAL CONGRESS.

When did the Second Continental Congress meet?

The Second Continental Congress consisted of fifty-six delegates, and it met at "Independence Hall," Philadelphia, May 10, 1775, and existed as a Congress until March 4, 1789. The members of this Congress adopted and signed the Declaration of Independence, in which for the first time the colonies received the name of the UNITED STATES OF AMERICA.

DECLARATION OF INDEPENDENCE.

What did Virginia ask Congress to do?

Virginia, May 15, 1776, instructed her delegates in Congress to propose a *Declaration of the Independence* of the colonies.

What did Congress then do?

Congress solemnly approached that great subject and resolved to appoint, and DID, on the 11th of June, 1776, appoint the following persons—Thomas Jefferson, John Adams, Benj. Franklin, Roger Sherman, and Robert R. Livingston, to draft a Declaration of Independence.

Who wrote the Declaration?

Thomas Jefferson wrote it at the request of his associates. Two or three alterations, verbal only, were suggested by Franklin and Adams.

What did they say in the Preamble to the Declaration?

"A decent respect to the opinions of mankind requires that they should declare the causes which impel them to this separation." See page 191.

What was the resolution introduced into Congress by Richard Henry Lee, and how was it disposed of?

On the 7th day of June, 1776, Mr. Lee introduced into Congress the following resolution, which was seconded by John Adams. A stormy debate followed from the 7th to the 10th: it was then postponed to July 1st. After discussion, Congress agreed to meet in "Committee of the Whole" the following day (July 2,) at which time the Committee of the Whole reported and the resolution was adopted in the following words:

Resolved, THAT THESE UNITED COLONIES ARE, AND, OF RIGHT OUGHT TO BE, FREE AND INDEPENDENT STATES: THAT THEY ARE ABSOLVED FROM ALL ALLEGIANCE TO THE BRITISH CROWN, AND THAT ALL POLITICAL CONNECTION BETWEEN THEM AND THE STATE OF GREAT BRITAIN, IS, AND OUGHT TO BE, TOTALLY DISSOLVED.

When was the Declaration of Independence adopted and signed?

The resolution of Mr. Lee was adopted July 2d by a vote of twelve colonies. (The delegates from New York, pending the decision of the question by the people of that colony, did not vote.)

July 4, 1776, the entire Declaration was adopted by the same vote. On the same day it was authenticated by the President and Secretary of Congress and published, but not then signed by the members.

Having been engrossed on parchment, it was signed August 2, 1776, by fifty-four delegates, and subsequently

by two others, making fifty-six in all, representing the thirteen colonies, the New York convention having approved the act July 9, 1776.

NOTES.—The story has come down to us, more than a hundred years old, that during these anxious hours while members were hesitating and debating on the 4th of July, the old bell-man had his hand on the bell-rope, and his little grandson standing where he could catch the first words of assurance that the Declaration was adopted, at the proper time shouted, "RING, GRANDFA, RING, OH RING FOR LIBERTY."

This prophetic bell (now called Independence Bell) was cast in England in 1752. It was rung *long* and *loud* to proclaim the Declaration, but was subsequently fractured, and now hangs in honored repose, as a sacred relic of the past. It was taken to New Orleans in 1885, and was on exhibition at the "Exposition" held there.

The following inscription was cast in the metal. "PROCLAIM LIBERTY THROUGHOUT ALL THE LAND, AND TO THE INHABITANTS THEREOF."

The following story in regard to Charles Carroll is worth remembering. His name was among the first written, and as he affixed his signature a member observed, "THERE GO A FEW MILLIONS:" but adding, "*however, there are many Charles Carrolls, and the British will not know which one it is.*" Mr. Carroll immediately added to his name "*of Carrollton,*" and was afterward known as CHARLES CARROLL OF CARROLLTON.

Mr. Carroll, the last of the signers of the Declaration, died Nov. 13, 1832.

CONFEDERATION.

With what body of men did the Articles of Confederation originate?

They originated with the second Continental Congress.

When were they adopted?

The various resolutions and amendments that had been proposed were consolidated into thirteen articles, and adopted by Congress, Nov. 15, 1777, as the Articles of Confederation.

How many departments of government existed under the Confederation?

One, vested in a Congress in which no State should be represented by less than two or more than seven members: and each State had only a single vote.

There was no Judiciary.
There was no Executive.

What has been said of the Confederation?

"The United States in Congress" said a native critic of the Articles of Confederation, "have exclusive power for the following purposes without being able to execute one of them."

1. "They make and conclude treaties, but can only *recommend* the observance of them."

2. "They may appoint ambassadors, but cannot defray even the expenses of their tables."

3. "They may borrow money in their own name on the faith of the Union, but cannot pay a dollar."

4. "They may coin money, but cannot buy an ounce of bullion."

5. "They may make war, and determine what number of troops are necessary, but cannot raise a single soldier."

6. "In short they may *declare* everything but *do* nothing."

NOTE.—Maryland was the last to ratify the Articles of Confederation in 1781, at which time they became binding upon all the States.

SESSIONS.

Where were the sessions of the Continental Congress held?

The *First* Continental Congress was held at
Philadelphia, (Carpenter's Hall) .....Sept. 5, 1774.

The *Second* Continental Congress was held at
Philadelphia, (Independence Hall).....May 10, 1775.
Baltimore.....Dec. 20, 1776.
Philadelphia,.....March 4, 1777.
Lancaster, Pa.....Sept. 27, 1777.
York, Pa.....Sept. 30, 1777.
Philadelphia.....July 2, 1778.

Princeton, N. J.....June 30, 1783.
Annapolis, Md.....Nov. 26, 1783.
Trenton, N. J.....Nov. 1, 1784.
New York.....Jan. 11, 1785.

NOTE.—This Congress adjourned to meet at these different places for certain reasons, some members retiring from the office, others being elected to take their places, but it retained the name, "Second Continental Congress" until the Constitutional organization.

PRESIDENTS.

Who were the Presidents of the Continental Congresses and when elected?

FIRST CONGRESS.

Peyton Randolph, Va.....Sept. 5, 1774.
The First Congress ended Oct. 26, 1774.

SECOND CONGRESS.

Peyton Randolph, Va.....May 10, 1775.
John Hancock, Mass.....May 24, 1775.
Henry Laurens, S. C.....Nov. 1, 1777.
John Jay, N. Y.....Dec. 10, 1778.
Samuel Huntingdon, Conn.....Sept. 28, 1779.

CONFEDERATION.

On the 2d day of March, 1781, Congress assembled under the Confederation, the Articles having been ratified by the States.

Thomas McKean, Del.....July 10, 1781.
John Hanson, Md.....Nov. 5, 1781.
Elias Boudinot, N. Y.....Nov. 4, 1782.
Thomas Mifflin, Pa.....Nov. 3, 1783.
Richard Henry Lee, Va.....Nov. 30, 1784.
Nathaniel Gorham, Mass.....June 6, 1786.
Arthur St. Clair, Pa.....Feb. 2, 1787.
Cyrus Griffin, Va.....Jan. 22, 1788.

The Second Continental Congress ended March 4, 1789.

NOTE.—During the periods of the Revolution and Confederation, there were thirteen different Presidents, but all of their *executive power* was vested in Congress, which could only *recommend*, but not *demand*, any action for the public good. They were simply presiding officers.

Name some prominent men in each of these Congresses.

In the First Congress were George Washington, Patrick Henry, Richard Henry Lee, Edward Rutledge, John Rutledge, Samuel Adams, John Adams, Roger Sherman, Philip Livingston, John Jay, and others.

In the Second Congress were George Washington, Patrick Henry, Richard Henry Lee, Samuel Adams, John Adams, John Jay, Benj. Franklin, John Hancock, George Clinton, Robert R. Livingston, Thomas Jefferson, Charles Carroll of Carrollton, and others.

NOTE.—Study the biographies of these men.

CONSTITUTION.

How did the present Constitution of the United States originate, and how was it formed?

Feb. 21, 1787, the Second Continental Congress resolved that a convention, consisting of delegates from the several States, should meet at Philadelphia, on the second Monday in May, 1787, for the purpose of revising the Articles of Confederation, and report the same to Congress for ratification.

What did these delegates do?

These delegates (55 in number, Rhode Island not represented) met May 14, 1787, at Independence Hall, Philadelphia, and elected George Washington president of the convention. Being fully satisfied that something more than amendments to the Articles of Confederation

were needed, they proceeded to frame an entirely new constitution, consisting of *seven articles*, and on the 17th of September, 1787, they reported the same to Congress.

The Constitution was to go into operation when ratified by nine States. See page 129.

What did Congress then do?

Congress submitted the report, embracing the Constitution and Resolutions, to the legislatures of the several States, with the request that they be submitted to conventions of delegates chosen in each State by the people thereof.

How many States ratified the Constitution before it went into operation?

Eleven States ratified it. North Carolina ratified Nov. 21, 1789, and Rhode Island, May 29, 1790.

ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

What did Congress then do?

The Second Continental Congress adopted Sept. 13, 1778, the following resolution:

Resolved, That the first Wednesday in January next, 1789, be the day for appointing electors in the several States, which, before the said day, shall have ratified the said Constitution: that the first Wednesday in February next, be the day for the electors to assemble in their respective States, and vote for a President: that the FIRST WEDNESDAY in March next, 1789, be the time, and New York (the present seat of Congress) the place for commencing proceedings under the Constitution.

NOTE.—Prior to 1821, the electors were chosen by the legislatures of the several States.

FOURTH OF MARCH.

What date was afterward fixed for the beginning of the Presidential term?

Congress passed a bill, which was approved March 1, 1792, as follows:

And be it further enacted, That the term of four years, for which a President and Vice-President shall be elected, shall, in all cases, commence on the *fourth day of March* next succeeding the day on which the votes of the *electors* shall have been given.

NOTE.—The FIRST WEDNESDAY in March, 1789, was the *fourth day* of March, and the *day of the month*, instead of the day of the week, was afterward recognized as the commencement of a Presidential term.

WHO MADE THE CONSTITUTION?

Who, then, framed and ratified the National Constitution?

THE PEOPLE, by their delegates in convention, framed it: THE PEOPLE, by their delegates in convention, ratified it; and the CONTINENTAL CONGRESS declared it ratified.

By Whom, and When, were the fifteen amendments prepared and ratified?

The first ten amendments were prepared by the first Congress under the Constitution, and ratified by the legislatures of ten States in 1791; the other amendments have been prepared in the same manner, the last one being ratified in 1870.

What Officer announces to the people the ratification of an amendment to the Constitution?

The action of State legislatures is transmitted to the Secretary of State; and when a sufficient number (three-fourths) of the legislatures of the several States have so

ratified, then the Secretary of State declares the amendment ratified.

For dates of ratification, see pp. 146–151.

STATE CONSTITUTION.

How was the State Constitution prepared and ratified?

The people of the State, by their delegates in convention, framed the constitution: the *people voted* directly for or against its ratification.

AMENDMENTS.

How may Amendments be made to the State Constitution?

Amendments to the State Constitution may be proposed in Senate and Assembly: and if the same shall be agreed to by a majority of the members elected to both houses, and by a majority of the members of both houses of the legislature that shall be chosen at the next *general election* of Senators; and if ratified subsequently by a majority of the electors qualified to vote, then the said amendment becomes a part of the Constitution.

CONSTITUTION OF ENGLAND.

What is the Constitution of England?

The English Constitution is not a *formal written* instrument, adopted by, and ratified by conventions, but is the accumulated growth of all English history. It is comprehended in no single enactment, nor in the enactments of any single reign. It is composed of all the great charters and statutes that have been enacted from time to time since the reign of John (1199 to 1216), with such customs and precedents as have the sanction of long usage.

The United States Constitution is but a collection

and epitome, of the various charters of freedom that lie scattered all along the pathway of English history, arranged by a convention and sanctioned by the people.

SUMMARY.

What is the United States Constitution?

I. The Constitution is the Supreme Law of the land.

II. It is the great charter of our Liberties.

III. It is the *Magna Charta* of the United States.

IV. The people elected delegates to a National convention: the delegates in convention framed the constitution: it was then ratified by State conventions, composed of delegates chosen by the people,—hence the constitution *originated with the people.*

Why was the Constitution made?

I. In order to form a more perfect Union;

II. Establish justice;

III. Insure domestic tranquillity;

IV. Provide for the common defence;

V. Promote the general welfare;

VI. And secure the blessings of Liberty to ourselves and our posterity.

When was it made? See page 8.

Where was it made? See page 7.

STATE CONSTITUTION.

What is the State Constitution?

I. It is the great fundamental law of the State.

II. It comes *directly from the people,* through their ratification, commencing with the following words:

We, the people of the State of New York, grateful to

Almighty God for our Freedom, in order to receive its blessings, DO ESTABLISH THIS CONSTITUTION.

DIVISIONS AND POWERS OF GOVERNMENT.

How many Divisions of Constitutional government in the United States?

There are two divisions,—National and State.

How many Powers has each division?

Each division has three powers, namely: Legislative, Executive and Judicial. See chart, pages 14, 15.

STATUTE LAW.

What is a Statute Law of Congress?

A Statute Law of Congress is a written or printed instrument (called a bill) ordaining or forbidding something to be done, that has been adopted by a majority of both houses of Congress, and approved by the President.

The President's refusal to approve, is called a Veto; but a subsequent two-thirds vote of both houses will make it a Statute Law without the President's consent.

What is a Statute Law of the Legislature of New York?

It is a bill that has been adopted by a majority of both houses of the Legislature, and approved by the Governor, or passed over his veto.

NOTE.—Explain how a vetoed bill becomes a Statute Law. See page 57.

What divisions of government have been organized by Statute Law?

Congress organizes Territories and provides for their government (see page 72); admits new States (see page 71); organizes and controls the District of Co-

lumbia (see page 73); defines the judicial circuits and districts in the United States (see page xi).

The Legislature organizes counties; defines judicial, congressional, senatorial, and assembly districts in the State; incorporates cities and villages; authorizes the board of supervisors to form new towns, and the school commissioners to organize new school districts and to annul those already formed.

Name some divisions in which the Three Powers of government seem to exist as in the State and Nation.

The three powers seem to exist in School Districts, Towns, Counties, Cities, and Territories, as will be seen from the following

CHART.

NOTE.—Read from left to right in each division. The vertical column leading downward at the left names the Legislative powers in the different divisions. The second column names the Executive, the name placed first being the Chief Executive. The third column names the Judiciary. Figures indicate the number of officials in the office named.

QUESTIONS FOR THE CHART.

SCHOOL DISTRICT.

What are the powers of a School District?

The Legislative, Executive, and Judicial powers exist in a school district.

NOTE.—Observe that the *Legislative* is placed in the first vertical column, the *Executive* in the second vertical column, the *Judicial* in the third vertical column through all the different divisions.

How does it appear that the legal voters in a school district Legislate?

They adopt resolutions appropriating money for the purchase of school house sites: for building a school house: for repairs: for apparatus and other school purposes: hence the voters of a school district are legislators.

A CHART

Presenting a tabular view of the eight divisions of Government in the United States, and in England

	LEGISLATIVE	EXECUTIVE	JUDICIAL
DISTRICT (Organized under Statute Law)	Legal Voters at School meetings	TRUSTEE (or Trustees, or Board of Education) Clerk Collector Librarian Treasurer	School Commissioners Superintendent of Public Instruction
TOWN (Organized under Statute Law)	Legal Voters at Town Meetings	CONSTABLES Supervisors Assessors Clerk Collector Highway Commissioners Overseers of the Poor Excise Commissioners	Justices of the Peace Juries
CITY (Organized under Statute Law)	Common Council	MAYOR	Court of Special Sessions (N.Y. City) City Courts Justices of the Peace Juries
COUNTY (Organized under Statute Law)	Board of Supervisors	SHERIFF Treasurer Clerk Coroners School Commissioners Sup'ts of the Poor	Co. Judge (Special Co. Judge) Surrogate (Special Surrogate) District Attorney Clerk of the Court Juries { Grand / Trial

STATE (Organized under a Constitution)	Legislature — Senate, Assembly	Governor and State Officers	Court of Appeals Supreme Court Board of Claims Attorney-General Court of Impeachment (Senate and Ct. of Appeals)
U'N'D STATES (Organized under a Constitution)	Congress — Senate, House of Representatives	President and Cabinet	Supreme Court Circuit Courts District Courts Court of Claims Attorney-General Court of Impeachment: Senate Juries
TER'Y (Organized under Statute Law)	Legislature — Council, House of Representatives	Governor Secretary Auditor Treasurer Sup't of Common Schools	Supreme Court District Courts Probate Courts (in each County) Justices of the Peace Juries
DIST. OF COL.	No Legislature Elective Franchise abolished in 1874	Commissioners	Supreme Court Juries
ENGLAND (Unwritten Constitution)	Parliament — House of Lords: Spiritual, Temporal; House of Commons	King (or Queen), who rules through the Cabinet or Ministry; namely: Prime Minister or Premier Lord Chancellor Lord Privy Seal President of the Council Home Secretary Chancellor of the Exchequer and others	Court of Chancery Queen's Bench Common Pleas Exchequer High Court of Justiciary Circuit Courts in the Rural Districts

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Who is the Chief Executive in a school district?

The Trustee or Trustees, or Board of Education. See Chart.

NOTE.—The first officer in the Executive column is the CHIEF EXECUTIVE: the others are executive in their own departments.

Who are the Judicial Officers in a school district?

The School Commissioner, and the Superintendent of Public Instruction. Appeals from school district meetings, and the action of school district officers may be brought before them. See page 44.

When are the Annual school meetings held in this State? See page 30.

NOTE.—For the complete study of the school district see pages 27–33.

TOWN.

What are the powers of a Town?

See Chart.

Who are the Legislators in a town, and Why?

The Legal Voters assembled in a legal town meeting: for they have power by a majority vote to appropriate moneys for the support of the poor; for building bridges in the town; for improvement of the roads, and for various other purposes.

Who is the Chief Executive of a town?

See Chart.

Who are the Judicial Officers of a town?

See Chart and page 34.

When are the annual Town Meetings held in this State?

See page 39.

NOTE.—For the further study of the Town see pages 34–39.

COUNTY.

What are the powers of a County?

See Chart.

Who are the Legislators in a county, and Why?

The Board of Supervisors: they can appropriate money for various purposes: the Legislature has conferred upon this board the power to enact certain laws, —among them to form new towns.

How many members in the Board of Supervisors in your county?

See pages 34 and 39.

How many Supervisors in any county except New York and Kings?

See pages 34 and 39.

How many Supervisors in New York county?

There are 41. See pages 34 and 39.

How many Supervisors has Kings county?

See pages 34 and 39.

Who is the Chief Executive of a county?

See Chart and page 42.

Who are the Judicial Officers of a county?

See Chart and pages 42, 43, 44, and 45.

NOTE.—For the further study of the County see pages 40–48.

CITY.

What are the powers of a City?

See Chart and pages 49, and 50.

STATE.

What are the powers of a State?

See Chart.

NOTE.—For the Legislature, see pages 51–60; for the Executive, see pages 61–68; for the Judiciary, see pages 75 ff.

When was the first State Constitution framed?

It was framed at Kingston, New York, in April, 1777, by delegates representing the several counties of the State (only twelve counties then), in a convention called for that purpose.

NOTE.—The constitution was revised in 1801, 1821, 1846, 1867, 1894, and some sections proposed by the Legislature have been added at other times.

GEORGE CLINTON, of Orange Co., distinguished for his patriotism, and his public and private worth, was elected Governor, and held the office for six consecutive terms (18 years). Prior to 1823, the term of Governor was 3 years.

NOTE.—New York adopted a gradual emancipation act in 1799, and in 1817 another act was passed, declaring all her slaves free on and after July 4, 1827.

Where was the First Seat of Government in this State?

It was originally fixed at New York city. The Legislative department was then called the "General Assembly".

NOTE 1.—After the Revolution commenced, Gov. Tyron, Dec., 1775, ordered such records as related to the immediate interests of the Crown to be removed to the armed ship, *Duchess of Gordon*, lying in New York Bay; and they remained there till Nov., 1781, when most of them were returned to the city of New York.

They were nearly ruined by being kept on shipboard for six years; the most valuable of them were re-written at a later date.

NOTE 2.—In June, 1776, the other records were removed to Kingston, New York. The *first State Legislature* was in session in Kingston Oct., 1777. It hastily adjourned on the approach of the British, who burned every house in the village but one; the records were taken to Rochester, Ulster Co., N. Y.

NOTE 3.—The Legislature held a session in Poughkeepsie, Jan., 1778. Sessions were afterward held in Poughkeepsie, Kingston, and Albany as suited convenience, until 1784, when it met in New York. Two sessions were afterward held in Poughkeepsie, and three in Albany.

In 1797, Albany became the permanent capital.

UNITED STATES.

What are the powers of the United States?

See Chart.

NOTE.—For the further study of the United States Congress see pages from 99 onward.

For the further study of the Executive, see pages 87-95. For the Cabinet see pages 95-98.

For the Judiciary see pages 75-86.

TERRITORIES.

What are the powers of Territories?

See chart and pages 72, 73.

How many members in the Legislature of a Territory?

Each Territory has thirteen members in its Council, and twenty-six members in its House of Representatives.

NOTE.—The Council is equivalent to our State Senate, the House of Representatives to our Assembly.

What Officers of a Territory are elected by the people?

See page 72.

What Officers of a Territory are elected by the Territorial Legislature?

See page 72.

What Officers of a Territory are appointed by the President and Senate?

See page 72.

DISTRICT OF COLUMBIA.

What are the powers of the District of Columbia?

It has *two* powers, namely: Executive and Judicial. See Chart.

What Officers are Elected by the people in the District of Columbia?

See pages 73 and 74.

What Officers are Appointed by the President and Senate in the District of Columbia?

See page 73.

ENGLAND.

NOTE.—England is placed in the Chart to show the similarity between its government and ours, and is intended more particularly for advanced students.

What is the Constitution of England?

It is unwritten, and is composed of all the great Charters and Statutes that have been enacted since the reign of King John, who left the throne of England, 1216, after reigning 17 years.

NOTE.—In the Valley of Runnymede, in the year 1215, King John was compelled to assent to the terms of the barons, and to sign the *Magna Charta*, the most remarkable instrument known in English history, of which the following are the most important sections:

Section 45. "No freeman shall be taken, or disseized, or outlawed, or banished, or anywise injured, nor will we pass upon him, nor send upon him, unless by the legal judgment of his peers, or by the law of the land."

Section 46. "We will sell to no man, we will not deny or delay to any man, right or justice."

In other sections "the royal prerogative was limited and defined; the rights of the Church guaranteed; the Feudal system relieved of some of its grievances; unlawful fines and punishments forbidden, the free disposal of personal property by will allowed; the means of obtaining a livelihood, such as the tools of the mechanic and the goods of the merchant were exempt from fine or forfeiture for crime; fines were to be proportionate to the offence; the Circuit Courts brought into the neighborhood of all; and the liberties and customs of free towns confirmed."

These provisions are to-day the basis and the bulwark of those rights and immunities that make England and America the freest countries on earth.

How many powers in the Government of England?

See Chart.

Of what is the House of Lords composed?

The House of Lords is composed of Lords spiritual and Lords temporal.

NOTE 1.—There are 30 Lords spiritual, namely, 26 of the Church of England, and 4 of the Irish Church. Of these, 4 are Archbishops, and 26 are Bishops.

NOTE 2.—The Lords temporal, in England, are hereditary, and their number varies. Their are 26 Irish nobles, and 16 Scottish nobles, who are elected by the nobility,—those from Ireland for life, and those from Scotland for a year.

Who is the Speaker of the House of Lords?

The Lord Chancellor, Lord Keeper of the Great Seal, is Speaker of the House of Lords.

What is the House of Commons?

The House of Commons consists of 658 representatives of counties, cities, boroughs, and some of the Universities as follows: England and Wales, 500; Ireland, 135; Scotland, 53.

Where can Bills originate?

All bills appropriating money must originate in the House of Commons (corresponding with our House of Representatives). Others may originate in either house.

NOTE.—Every bill must be read, and passed by a majority vote, three times in each house, and receive the royal signature before it can become a law.

Who is the Speaker of the House of Commons?

The House of Commons elects its own Speaker.

Who can vote in England?

Those citizens who occupy, as owner or tenant, any house or other building of the clear yearly value of not less than ten pounds sterling, provided they have paid the poor rates and assessed taxes, may vote for the members of the House of Commons.

JUDICIARY.

By how many kinds of Law is justice administered in England?

There are three kinds of law,—Common law, Statute law, and the law of Equity.

What is Common law?

Common law is based on custom, or precedents established by former decisions of the courts of justice.

What is Statute law?

Statute law consists of the acts of Parliament.

What is the law of Equity?

The law of Equity is administered by the Lord Chancellor, in cases not covered by Statute law, and where justice cannot be secured by Common law.

DEFINITION OF DISTRICTS.

Officers are elected to administer the government for

I. The United States.
II. Each State.
III. Counties.
IV. Cities.
V. Towns.
VI. Districts.

The following are names given to some of the different kinds of districts in the State of New York.

I. Road, School and Election Districts.
II. School Commissioner Districts.
III. Assembly Districts.
IV. Senatorial "
V. Congressional "
VI. Judicial "

Which are the smallest districts named?

Road, School and Election districts.

What is a Road District?

A portion of a town placed under the charge of an officer, whose duty it is to see that the roads are kept in good condition.

What is a School District?

A portion of a town or city, placed under the care of officers, whose duties are to maintain a public school in and for the district.

What is an Election District?

A whole or part of a town, in which all the voting is done at one poll.

What is a School Commissioner District?

A whole or a portion of a county, under the jurisdiction of a school commissioner.

What is an Assembly District?

A whole or a portion of a county set off for the purpose of electing a "Member of the Assembly."

NOTE.—Fulton and Hamilton together form one district, and elect one member.

What is a Senatorial District?

A portion of a county, a whole county, or several counties combined for the purpose of electing a Senator; the amount of territory depending upon population.

What is a Congressional District?

A portion of a county, a whole county, or several counties combined for the purpose of electing a "Representative in Congress"; the amount of territory depending upon population.

What is a Judicial District?

One county (as in the case of New York), or several counties united for the purpose of electing Supreme Court Judges.

Name the Civil Divisions in regular order, and tell what a combination of each forms.

Road and school districts form towns; towns when united form counties; counties when united form a State, and also, in many instances, Senatorial, Congressional, and Judicial districts. States when united form a Union.

How many States are there?

There are 45.

What is a County?

One of the divisions of a State, separated from other divisions, empowered to elect certain officers for the administration of its own local affairs.

How many Counties in New York State?

There are 60.

What is a Town?

One of the divisions of a county, electing certain officers prescribed by law, and managing its own local affairs.

How many Towns in New York State?

In 1886 there were 942. See page xiii. The exact number can be found by consulting the almanacs that give the election returns.

What is a City?

An incorporated town, or a section containing a collective body of inhabitants, incorporated by the State legislature, which grants a charter prescribing its manner of government, and is controlled by a Mayor and Aldermen.

How many Cities in the State of New York?

See Table, page xv.

How many School Commissioner districts in New York State?

There are 114.

How many Assembly districts?

There are 150. See page 58.

How many Senatorial districts?

There are 50. See page 52.

How many Judicial districts?

There are 8. See page xi.

How many Congressional districts?

There are 34. See page 101.

How many School districts?

There are about 12,000.

How are counties Organized?

By an act of the State Legislature.

How are towns Formed?

By an act of the board of supervisors.

By Whom are school districts formed?

Generally by the school commissioners; sometimes by special legislation.

What Power defines the number of Assembly, Senatorial, and Judicial districts?

The State Constitution.

What Power decides upon the number of Congressional districts?

The Congress of the United States.

SCHOOL DISTRICT.

What is a School District?

How many school districts in your Town?

How many school districts in your County?

How many school districts in New York State?

What are the names of the Officers in a school district?

I. Trustee or trustees; or a board of education.

II. Clerk.

III. Collector.

IV. Librarian.

V. Treasurer (if so voted by district meeting).

What is the number of officials holding the same office at the same time?

I. One or three Trustees, as a district decides. If a Board of Education, it may not be less than three nor more than nine.

II. One Clerk.

III. One Collector.

IV. One Librarian.

What are the names of those districts in which there is a board of education?

Union Free School Districts.

What is the term of office of each?

I. If there be only one trustee, his term is one year.

II. If there be three trustees, the term is 3 years, one being elected each year; if the board of education con-

sists of six or nine members, the term is 3 years, one third of the number being elected each year.

III. Clerk, collector, and librarian, each hold the office for one year.

Who are eligible to school offices in this State?

All voters, except as follows: No school commissioner or supervisor is eligible to the office of trustee, nor can either be a member of any board of education within his district or town; and no trustee can hold the office of district clerk, collector, or librarian.

DUTIES.

TRUSTEES.

I. To hold and to keep district property for the use of the school.

II. To hire and pay a qualified teacher or teachers, and maintain a school for at least 32 weeks during the school year.

III. To make to the school commissioner an annual report on the first day of August in each year.

IV. To make out all district tax-lists and issue a warrant for their collection, etc., etc.

NOTE.—For detailed account of their duties, see Bardeen's "Handbook for School Trustees".

CLERK.

I. To record the proceedings of the district.

II. To give notice according to law of annual and special meetings.

III. To notify each person elected or appointed to office, and also to report their names and post-office addresses to the town clerk.

IV. To notify the trustees of every resignation accepted by the supervisor.

V. To keep and preserve all books, records, and papers belonging to his office, and to deliver the same to his successor, etc., etc.

COLLECTOR.

I. To collect all district taxes made out by trustees and placed in his hands.

II. To pay out the money as directed by their order.

NOTE.—He must give to the trustee a bond for the faithful performance of his duties in collecting and paying over all moneys so collected.

LIBRARIAN.

To have charge and supervision of the school district library.

SALARY.

What is the Salary of these officers, and how paid?

The collector alone is entitled to pay. He receives 1 per cent on all moneys collected during the first 14 days after advertising; after that time, 5 per cent.

How shall we find hereafter that officers are paid?

Some are paid a salary; some by the day; some by a fee; some by a per cent.

What is meant by a Salary? a Fee? a Per Cent?

NUMBER OF TRUSTEES.

How can a school district having three trustees Change to one trustee?

By adopting a resolution at any annual meeting, that the district shall have a sole trustee; when the terms of those in office shall have expired, the district shall elect a trustee annually.

Can a district having a sole trustee Change Back and legally elect three?

Yes. It may adopt a resolution by a *two-thirds* vote of all the legal voters present thereat, at an annual meeting, to have three trustees instead of one. It will then proceed to elect one for one year, one for two years, and one for three years, and thereafter one annually for a term of three years.

SCHOOL MEETINGS.

When does the annual School Meeting take place?

I. On the first Tuesday in August.

II. If a district contains three-hundred or more children of school age, the meeting for the election of *school district officers* must be held on the Wednesday following the first Tuesday in August, in each year, between the hours of 12 o'clock, noon, and 4 o'clock in the afternoon, at the principal school-house in the district, or at such other place as the trustee designates.

How are Special school meetings called?

By the trustees. The clerk or some other person, if the office be vacant or he refuses to act, must serve a notice upon each qualified voter at school district meeting, at least 5 days before the day of the meeting. Said notice must state the purpose for which it is called, and no other business can be transacted.

The inhabitants of any district may, by a resolution at an annual meeting, prescribe some other mode for calling special meetings, which shall continue in force until rescinded or modified at a subsequent annual meeting.

VOTERS AT SCHOOL MEETINGS.

What are the Qualifications for voting at school meetings?

Every person, man or woman, (*a*) of 21 years of age, (*b*) who has resided in the district for the preceeding 30 days, (*c*) a citizen of the United States; and (1) who owns or hires or holds under contract to purchase real property in such district liable to taxation for school purposes, or (2) who is a parent of a child of school age that has attended the district school at least 8 weeks within one year preceding; or (3) who has permanently residing with him or her any such child; or (4) who owns and was assessed on the last preceeding assessment roll of the town exceeding $50 of personal property, exclusive of such as is exempt from execution, and no other, shall be entitled to vote at any school meeting, and may vote upon all questions brought before the meeting, including propositions to raise money by tax.

NOTE.—The voter must have *all* the qualifications (*a*), (*b*), (*c*) and *one* of the qualifications (1), (2), (3), (4). An alien is no longer permitted to vote.

VACANCIES IN SCHOOL DISTRICT OFFICES.

How are Vacancies in school offices filled?

I. The office of trustee may be filled (*a*) within 30 days by the district, by an election; (*b*) after 30 days by appointment by the School Commissioner.

II. Vacancies may be filled in the offices of clerk, collector, or librarian by appointment by the trustee.

SOME GENERAL PROVISIONS.

I. No relative of any one of the trustees can be legally engaged to teach in a district school, without the approval of two-thirds of the voters of the school district, or in a union school without a two-thirds vote of the board of education.

II. A teacher is deemed qualified by law, if he possesses a normal school diploma, or a State certificate (unannulled), or an unexpired certificate given by the school commissioner of the district in which he is to teach, or by the school officer of the city or village in which he is employed, authorized by special act to grant such certificate.

III. No person shall be deemed to be qualified to teach public schools who is under the age of 16 years.

IV. No legal contract can be made with a person to teach school, unless said person is duly qualified by law by holding a certificate of qualification.

V. Trustees have sole power to hire teachers and determine the wages to be paid, without reference to a vote of the district.

VI. Whenever the school commissioner of a district shall certify in writing, that more than $500 are necessary for building a new school house, the inhabitants may vote such sum as the commissioner approves of, and the trustees may legally levy the tax for the same.

VII. Persons wilfully disturbing a school or school meeting or an assemblage of persons occupying a school house for the purpose of receiving instruction, shall forfeit $25.00.

VIII. Trustees may permit the school house when unoccupied to be used for educational purposes, or for religious meetings; but if one of the three trustees objects to such use it can not be permitted.

IX. Trustees alone have the power to expel a pupil from school for habitual misconduct, or when afflicted with a contagious disease.

X. No school house is allowed to be built in this state until the plan, so far as ventilation, heating, and lighting is concerned, shall be approved in writing by the school commissioner in whose district such school house is to be built.

XI. A sole trustee can hire a teacher for a term that commences before the expiration of his official term.

XII. A school tax for building or repairing may be raised in equal instalments: but the last one shall not extend beyond ten years from the time the vote was taken.

XIII. Trustees may be removed from office, for wilful neglect of duties, by the Superintendent of Public Instruction.

XIV. Trustees have the custody of the school house or houses and appurtenances.

XV. Trustees are authorized to prescribe a course of study in the school under their charge.

XVI. The official acts of two trustees, without notifying or consulting the third, are illegal and void.

SCHOOL MONEYS.

I. The school commissioners must apportion the public money among their several districts, commencing on the third Tuesday of March in each year.

II. The State school moneys apportioned in 1885, were derived from the

following sources, and will not be changed much unless the Legislature should increase the State tax. For a full account of the sources and the distribution of these funds, see article in the SCHOOL BULLETIN for June, 1886.

From the United States Deposit Fund.....	$ 75,000.
From the Common School Fund.....	170,000.
From the State School Tax.....	2,839,600.
	$3,084,600

III. Thus the school moneys for the year ending July 31, 1895, were derived as follows:

From the United States Deposit Fund.....	$ 75,000.
From the Common School Fund.....	170,000.
From the State School Tax.....	3,615,500.
Total	$3,860,500.

IV. Every school district in the State now taught by a qualified teacher for 32 weeks (a school year), is entitled to a district quota of $100; and an additional quota of $100 for each additional teacher employed for 32 weeks in the district. There were in 1895 25,896 district quotas in the State.

V. The balance of the public money is apportioned among the schools in proportion to *aggregate* attendance. The amount thus apportioned for 1894-5 was $1,015,300.

LEGAL HOLIDAYS.

By common *consent* and *practice* some important days have been recognized by the people of this State and other States of the Union as holidays. The following days show when holidays were recognized by the *statute law* in the State of New York.

1849. January 1 (New Year's day).
July 4 (Independence day).
December 25 (Christmas day).
And any other day designated by the Governor of the State or the President of the United States for fasting or thanksgiving.

1895. Feb. 12 (Lincoln's birth day).

1865. February 22 (Washington's birth day).

1872. Any general State election day.

1873. May 30 (Decoration day).

1887. The first Monday in September (Labor day).
Every Saturday from 12 o'clock noon till 12 o'clock midnight.

TOWN.

What is a Town?

How many towns in your county? See page xiii.

How many towns in New York State? See page xiii.

When is the annual Town Meeting held? See pages 39, 71.

What Officers preside at a town meeting, to take and deposit the ballots offered?

A majority of the justices of the peace of the town and town clerk constitute the board for receiving and canvassing the votes at a town meeting.

What are the Names of the officers in a town, the Number of officials in each, and their Terms of office?

I. One Supervisor, elected for two years.

II. One Town Clerk, elected for two years.

III. Four Justices of the Peace, elected for four years.

IV. Three Assessors, elected for three years.

V. One or three Highway Commissioners, as the electors may determine; if one be elected, the term is two years; if three, the term is three years.

VI. One or two Overseers of the Poor, as the electors may determine; term one year.

VII. One Collector, elected for one year.

VIII. Constables, not to exceed five; term one year.

IX. One Game Constable; term one year.

X. Three Excise Commissioners; term three years.

XI. Three Inspectors of Election; term one year.

XII. In some villages and cities a Sealer of Weights and Measures.

DUTIES.

What are some of their Duties?

I. SUPERVISORS.

I. To receive the school money belonging to the town, and pay it out by order of the trustees.

II. To receive other money belonging to the town, and disburse the same according to law.

III. To meet with the other supervisors of the county as a "Board of County Canvassers."

IV. To meet with the other supervisors of the county as a "Board of Supervisors"; to audit all lawful accounts against the county, make out the tax lists and cause them to be collected; and perform such other acts of legislation as the constitution and statute laws have conferred upon them.

II. TOWN CLERK.

I. To keep the records of the town.

II. To keep in his custody such books and papers as belong to the town.

III. To act as clerk of the town meetings.

IV. To file such papers as properly belong to his office; and to perform the general clerical duties for the town.

III. JUSTICES OF THE PEACE.

I. To be the judicial officers for the town.

II. To issue warrants for the arrest of persons accused of committing crimes, and also summonses for the purpose of bringing before them persons for trial in civil actions.

III. To take acknowledgment of conveyances, administer oaths, act as inspectors at the town meeting, etc.

IV. ASSESSORS.

I. To make an inventory of the real estate in the town, naming the number of acres owned by each person, and fixing upon the same a valuation in proportion to its worth.

II. To make an inventory of the personal property held by the several persons in the town, such as notes, mortgages, etc., which with the real estate forms the basis for taxes.

V. HIGHWAY COMMISSIONERS.

I. To have the care and general supervision of the highways and bridges

II. To lay out new roads, when directed by a jury legally called for that purpose, and discontinue others when directed by the same authority.

III. To divide the town into districts, and appoint overseers for the same.

VI. OVERSEERS OF THE POOR.

To look after and provide for, either at home or in the county house, such as are in indigent circumstances.

VII. COLLECTOR.

I. To give a bond to the supervisor for double the amount to be collected, with one or more sureties for the faithful performance of his duties.

II. To receive the tax list and warrant, and collect the tax and pay it over as directed.

VIII. CONSTABLES.

I. To serve summonses issued by the justices.

II. To arrest and bring prisoners before a justice, and to have the custody of them.

III. To collect moneys upon executions, and if necessary to sell property to satisfy the same.

IV. To see that order is preserved in the community.

V. To attend the higher courts in their official capacity when directed by the sheriff.

IX. GAME CONSTABLE.

To look after and prosecute for the violation of the game laws.

X. EXCISE COMMISSIONERS.

To meet and act upon petitions asking for the privilege of selling spirituous liquors.

XI. INSPECTORS OF ELECTION.

I. To preside at the annual election, receive the votes legally presented, and deposit them in boxes prepared for that purpose.

II. To count the ballots at the close of the election, make a true statement thereof, and transmit it to the board of canvassers.

SALARY.

How are these officers Paid?

I. Supervisors receive $4.00 per day for county services, and $2.00 per day for town services. They are also entitled to extras for copying assessment roll at the rate of 3 cents a line for the first one hundred written lines; 2 cents a line for the second hundred lines; and 1 cent a line for all written lines in excess of that number. Also to 8 cents a mile for once going and returning from

their residences to where the sessions are held. Also to a percentage for paying out public school moneys.

II. Town clerks are paid by the day for services; also a fee for recording and filing papers.

III. Justices are paid mostly by fees; as officers of the town meeting they are paid by the day.

IV. Collectors receive a percentage for collecting the money.

V. Constables receive a fee, or a percentage, and for some services are paid by the day.

VI. Game constables receive a portion of the fine-money collected by reason of their prosecutions.

VII. All the remaining officers are paid for their services by the day.

What must all these officers do before entering upon their duties?

They must qualify; that is, take the oath of office.

What is the Oath of Office?

See State Constitution, art. XII, sec. I., page 183.

Who can Administer the oath of office?

I. The county clerk administers the oath to the justices of the peace.

II. A justice of the peace administers the oath to all other town officers, except inspectors of election.

III. The chairman of the inspectors of election administers the oath to the other inspectors, and one of the others in turn administers it to the chairman.

BONDS.

What town officers must give Bonds for the proper discharge of duties?

The supervisors, justices of the peace, highway com-

missioners, overseers of the poor, collector, constables, and excise commissioners.

SUPERVISORS.

How many Supervisors in the Towns of the State?

As many supervisors as there are towns in the State.

How many Supervisors in the Cities of the State?

As many as there are wards in the several cities.

NOTE.—New York City elects 15 Aldermen at large, and 1 in each Assembly district. The Mayor, Recorder, and Aldermen constitute the "board of supervisors." Kings County elects 1 Supervisor at Large; he is president of the board, but has no vote except in a case of a tie.

How many members in a "board of supervisors," in a county having 20 towns and a city with 11 wards?

As many as there are towns in the county and wards in the city, or 31 members.

Who are entitled to Vote for town, county, state, and national elective officers?

See Art. II. Cons., page 158.

TOWN MEETING.

The time for holding town meetings in a county is fixed by its board of supervisors.

All the towns in one county hold their annual town meeting on the same day, as designated by the board.

VACANCIES IN TOWN OFFICES.

How are vacancies in town offices filled?

I. Any vacancy occurring in a town office may be filled by a special town meeting, upon the application of 25 legal voters of the town, if called by the Town Clerk within 8 days after said vacancy occurred.

II. After 15 days have passed without an election the Town Board may appoint.

NOTE.—The Town Board consists of the Supervisor, Town Clerk and Justices of the Peace.

COUNTY.

What is a County?

By what authority organized?

How many counties in this State?

When was the colony of New York first divided into counties?

In 1683.

How many counties were established in 1683, and what were their names?

Ten: viz, Kings, Queens, Suffolk, New York, Richmond, Westchester, Dutchess, Albany, Ulster and Orange.

What are these counties called?

Original counties.

When are the county officers elected?

They are elected at the annual election which is held on Tuesday after the first Monday in November.

What officers constitute the board for receiving, depositing, and counting the ballots at the annual election?

Three persons called Inspectors of Election, elected at the preceding town meeting for that purpose, for each and every election district. Each board appoints 2 clerks who register the names of all persons voting.

What are the Names of the county offices, the Number of officials in the same office, and their Term?

I. One Sheriff, for a term of 3 years.

II. One County Judge, for a term of 6 years.

NOTE.—In a few counties there are special judges; same length of term. Kings county has 2 judges.

III. In counties containing more than 40,000 inhabitants a surrogate may be elected; in counties containing less than 40,000 inhabitants, the county judge performs the duties of judge and surrogate. The term of the surrogate is 6 years, except in New York, where it is 14 years. See page 190.

NOTE.—In a few counties there are special surrogates.

IV. One County Clerk for a term of 3 years.

V. One Treasurer for a term of 3 years.

VI. One District Attorney, for a term of 3 years.

VII. Four Coroners, for a term of 3 years.

VIII. One or three Superintendents of the Poor, for a term of 3 years.

IX. One School Commissioner for each commissioner district, for a term of 3 years.

What about the Eligibility of these officers?

I. The sheriff is prohibited from holding the same office for the next succeeding term, nor can he hold any other office at the same time. Const., Art. X., Sec. I., page 204.

II. No county judge or surrogate can hold the office longer than the last day of December succeeding his 70th birthday. Art. VI., Sec. 15, page 191.

III. No person, except a counselor-at-law in the supreme court, can hold the office of district attorney, if there be such an one in the county; if there be none, then an attorney may be elected.

IV. Supervisors and county treasurers cannot hold the office of county superintendent of the poor.

V. No sheriff, under-sheriff, deputy, sheriff's clerk, or coroner may practise as counselor-at-law during his term of office.

NOTE.—In counties of 120,000 inhabitants no county judge or surrogate may act as attorney or counselor in a court of record, or as referee.

DUTIES.

What are some of their duties?

I. SHERIFF.

I. He is the executive officer of the county.

II. By himself or by his deputies, executes civil and criminal processes throughout the county.

III. Has charge of the jail and prisoners.

IV. Attends courts, and keeps the peace.

V. Must be present by himself or under-sheriff at the drawing of jurors, and cause them to be legally summoned.

II. JUDGE.

I. He is the presiding officer of the County Court.

II. The county judge of any county may hold County Court in any other county, when requested by the judge of such other county. Art. VI., Sec. 14, page 190.

III. SURROGATE.

I. Takes proof of wills of real or personal property.

II. Grants letters testamentary or administrative.

III. Attends generally to the settlement of the estates of deceased persons.

IV. Holds surrogate's court, as required.

IV. COUNTY CLERK.

I. He is the clerk of the courts held in and for the county.

II. Administers the oath to jurors and witnesses.

III. Records the judgments of the courts.

IV. Draws the grand and petit juries, and makes a return of the same.

V. Records mortgages, deeds, satisfaction papers, etc.

V. TREASURER.

I. Receives the moneys collected by the several town collectors for county and State taxes.

II. Pays over to the comptroller the amount going to the State.

III. Pays out the amount due the county, as directed by law.

IV. Receives from the comptroller the school money due the county, and pays the same over to the several supervisors, as directed by the school commissioner's certificate.

V. Makes a general statement of the financial affairs of his office to the board of supervisors, annually.

VI. DISTRICT ATTORNEY.

I. He is the attorney for the county.

II. Presents to the grand jury complaints made to him accusing parties of crime.

III. Draws "bills of indictment" when found by the grand jury.

IV. Tries indicted parties in the County and Supreme Courts.

VIII. CORONERS.

I. Look after and inquire into all matters concerning persons slain, or who have died mysteriously.

II. Summon a jury, subpœna witnesses, and ascertain as far as possible all the facts in regard to the death.

III. In case of a vacancy in the office of sheriff, and there being no under-sheriff, one of the coroners designated by the county judge performs the duties of sheriff until said vacancy be filled by election or appointment.

V. Have power to arrest the sheriff upon criminal processes.

VIII. SUPERINTENDENTS OF THE POOR.

Have the general care of the county house; appoint persons to take charge of the same, and render an account annually to the board of supervisors of their doings.

IX. SCHOOL COMMISSIONERS.

I. Apportion the school moneys among the several districts in the county.

NOTE.—They shall (*a*) set apart and apportion the library moneys; (*b*) credit to each district the amount apportioned by the superintendent; (*c*) add to the remainder any unexpended school moneys in the hands of the supervisors (vii. 54); (*d*) apportion the amount among the districts in proportion to the aggregate days of attendance; (*e*) send to the county treasurer and superintendent duplicate certificates showing the amounts apportioned to each school district; and (*f*) certify to the supervisor of each town the amount of school moneys apportioned to each school district (Law ii. 13).

II. Make an annual report to the superintendent of public instruction, containing all the statistics embraced in the several reports from the trustees of their districts.

III. Visit and examine all the schools and school districts within their districts as often in each year as shall be practicable; inquire into all matters relating to the management, the course of study and mode of instruction, the text books used and the discipline of such schools.

IV. Examine persons proposing to teach public schools in their districts, in regard to their "moral character," "learning," and "ability to teach," and if they find them qualified, grant them certificates in the form prescribed by the superintendent.

V. Form new districts, or change the boundary lines of old ones.

VI. Organize at least once each year, or in concert with one or more commissioners in the same county, a "teachers institute," and induce, if possible, all the teachers in their districts to be present and take part in its exercises.

SALARIES.

What are the Salaries of each of these officers, or how paid?

I. SHERIFF.

I. Receives a fee on all papers served.

II. Receives a per cent on money collected on executions, and "Key fees" for prisoners.

II. JUDGE.

Receives a salary established by the legislature, varying in different counties according to population and business. See pages xii and 41.

III. SURROGATE.

I. Receives a salary, varying in different counties according to business. See pages xii and 41.

NOTE.—When the judge performs the duties of surrogate, the one salary suffices for all the duties performed.

II. The surrogate is entitled to a clerk.

IV. COUNTY CLERK.

I. Receives a fee for all papers recorded.

II. Receives a fee for administering oaths in court.

III. Is paid extra for copying or re-indexing old records.

IV. In some counties through special act of legislature is paid a salary in lieu of fees.

V. TREASURER.

I. The county treasurer receives an annual salary fixed by the board of supervisors.

II. The salary is established at least six months before his election.

III. The salary cannot be increased or diminished during his term of office.

VI. DISTRICT ATTORNEY.

I. Receives a salary fixed by the board of supervisors, when they resolve so to do.

II. Can try civil causes, when not engaged officially, receiving as his own the fees for the same.

VII. CORONERS.

I. For holding inquests they are entitled to a reasonable compensation, to be audited and allowed by the board of supervisors.

II. For performing sheriff's duties, they are entitled to same fees as sheriff.

VIII. SUPERINTENDENTS OF THE POOR.

Paid by the day, or a salary.

IX. SCHOOL COMMISSIONERS.

I. A salary of $1,000 a year, established by law.

II. Supervisors are required to audit and allow $200 extra for expenses.

III. A majority of the supervisors of any school commissioner district may increase the salary of said school commissioner. Such increased salary must be levied upon the towns composing such commissioner district.

OATH OF OFFICE.

What must county officers do, before entering upon the duties of their office?

Take the oath prescribed by the State Constitution in Art. XIII., Sec. I., page 210.

What county officers are required in addition to the oath prescribed to execute a bond for the faithful performance of their duties?

Sheriff, county treasurer, surrogate, and county superintendents of the poor.

Who administers the "oath of office" to the county officers?

The county clerk.

In case of the re-election of the county clerk, before whom can he qualify?

The county judge.

Where are these oaths of office and bonds recorded?

In the county clerk's office.

Who is the sheriff of this county?

Who is the present judge; and what is his salary?

Is there a separate officer as surrogate, and why?

Who is the county clerk?

Who is the county treasurer?

Who is the district attorney?

Who are the coroners?

Who are the superintendents of the poor?

Who are the school commissioners?

VACANCIES IN COUNTY OFFICES.

How are vacancies in County Offices filled?

I. Vacancies in the offices of County Judge, Surrogate, Sheriff, District Attorney, and Coroners are filled by the Governor.

II. Vacancies in the office of County Treasurer, and Superintendents of the Poor are filled by the Board of Supervisors.

III. Vacancy in the office of School Commissioner is filled by the County Judge.

CITY.

What is a City?

By what authority Organized?

By an act of the Legislature.

What instrument defines its Powers

A Charter, which is an instrument granted by the Legislature, defining the city's rights and privileges.

What are the Divisions of a city called?

Wards.

NOTE.—For list of the cities in New York State, when incorporated, and the number of wards in each, see Table, page xiv.

How populous must a village be, before it can be incorporated as a City?

No definite number is required; whenever a large proportion of the voters desire it, the Legislature will grant a city charter.

NOTE.—The constitution of Pennsylvania says: "Cities may be chartered whenever a majority of the electors (voters) of any town or borough having a population of at least 10,000 inhabitants, shall vote at any election for the same."

What is the Executive Officer of a city called?

The Mayor.

What other important officers are elected?

Aldermen and Supervisors; one each in every ward, unless otherwise ordered by the charter.

What officers form the Common Council?

The mayor and aldermen. They are the legislative body of the city, and have authority to appoint police officers.

How are cities Classified?

Into three classes, the first those having by the last State census 250,000 inhabitants or more; the second those having from 50,000 to 250,000; and the third all the rest. See page 208.

Which cities belong to each Class?

See page xv.

When are officers Elected in cities of the first and second classes?

On the first Tuesday succeeding the first Monday in November in the odd-numbered years. Their terms of office are two years. See page 209.

What Restrictions are placed on the Legislation for cities?

When a bill relating to a city has been passed by the Legislature, the house in which it originated must at once transmit a certified copy to the mayor of the city, to be returned within 15 days with statement whether or not the city accepts it. If accepted it goes like other bills to the Governor. If returned marked not accepted or if not returned, it may again go before the Legislature, and if passed by both houses go to the Governor. See pp. 208, 209.

Foot 78th Street, E. R.

STATE.

Upon what is the State government based?

Upon a Constitution adopted by the people.

When and where was the first State constitution framed?

How many Departments are provided for by the constitution?

Three; the Legislative, Executive, and Judicial.

What are the Divisions of the Legislative department?

The Assembly and the Senate.

What is the number of members in each body, and their term of office?

150 members of the Assembly, elected for one year; 50 senators elected for two years.

See Art. III., Const., pages 160–167.

When, and how is the number of members of the Assembly apportioned among the several counties?

Once in 10 years by the Legislature, immediately after taking the State census, and as nearly as can be, according to population, excluding aliens; but giving to every county except Hamilton at least one member.

When and how is the number of members of the Senate apportioned in the State?

At the same time, by the Legislature; and as nearly as possible according to population. A Senatorial district sometimes embraces a portion of a county; sometimes a whole county; at other times two or more

THE SENATE DISTRICTS
—OF THE—
STATE OF NEW YORK,
as apportioned by the Constitutional Convention of 1894.
Small figures show the number of Assembly Districts in those counties that have more than one. Hamilton and Fulton make one district jointly.
Copyright, 1894, by C. W. Bardeen, Syracuse, N. Y.
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22
New York, 10-31.
35 Assembly Dists.
Brooklyn, 3-9.
Kings County,
21 Assembly
Districts.
23
22
2
1
Rand, McNally & Co., Engravers, Chicago.

counties; but no county may be divided, unless it be equitably entitled to two or more members. No county may have more than one-third of all the senators, and no two present adjoining counties more than one-half. See pp. 161, 162.

SENATE DISTRICTS, APPORTIONMENT OF 1894.

1. Suffolk and Richmond.
2. Queens.
3-9. Brooklyn.
10-21. New York.
22. Westchester.
23. Rockland, Orange.
24. Putnam, Dutchess, Columbia.
25. Ulster, Greene.
26. Delaware, Chenango, Sullivan.
27. Montgomery, Fulton, Hamilton, Schoharie.
28. Saratoga, Schenectady, Washington.
29. Albany.
30. Rensselaer.
31. Clinton, Essex, Warren.
32. St. Lawrence, Franklin.
33. Otsego, Herkimer.
34. Oneida.
35. Jefferson, Lewis.
36. Onondaga.
37. Oswego, Madison.
38. Broome, Cortland, Tioga.
39. Cayuga, Seneca.
40. Chemung, Tompkins, Schuyler.
41. Steuben, Yates.
42. Ontario, Wayne.
43, 44. Monroe.
45. Niagara, Genesee, Orleans.
46. Allegany, Livingston, Wyoming.
47 49 Erie.
50. Chautauqua, Cattaraugus.

THE ASSEMBLY APPORTIONMENT OF 1894.

Broome, Cattaraugus, Cayuga, Chautauqua, Dutchess, Jefferson, Niagara, Orange, Otsego, St. Lawrence, Steuben, Suffolk, and Ulster counties have each 2 districts; Oneida, Queens, Rensselaer, and Westchester have 3; Albany, Monroe, and Onondaga have 4; Erie has 8; Kings has 21; New York has 35. All the other counties form one district each, except Fulton and Herkimer, which form one jointly. See pp. 162–165.

Counties entitled to more than one member are divided into assembly districts by the board of supervisors on the second Tuesday of June, 1895, and at such subsequent times as the Legislature making an apportionment shall decide. See page 163.

What Restrictions are placed upon the division of a county into assembly districts?

I. The districts must be as nearly equal as possible in number of inhabitants, excluding aliens.

II. They must be of convenient and contiguous territory in as compact form as possible.

III. Each district must be wholly within a senate district.

IV. In counties having more than one senate district, the number of assembly districts in each senate district must be as nearly as possible uniform.

V. No town, and no block in a city inclosed by streets or public ways, must be divided.

VI. No district must contain a greater excess in population over an adjoining district in the same senate district than the population of a town or block therein adjoining such senate district.

ELIGIBILITY.

Who are Eligible to the Legislature?

The requirements are these :

I. The candidate must be 21 years of age.

II. He must not be at the time of election, nor have been within 100 days previous thereto, a member of Congress, a civil or military officer under the United States, or any officer under any city government.

III. Should any person after his election to the Legislature be elected or appointed to any of the offices just named, his acceptance thereof will vacate his seat in the Legislature.

DUTIES.

What are some of the duties of the members of the Assembly?

I. To take the oath of office.

Art. XIII,Sec. I, Const., page 210.

II. To organize by electing their presiding officer, who is called the Speaker, and who must be one of their number.

III. To elect also the other officers, viz: a Clerk, Sergeant-at-Arms, Door-Keeper, and two assistant Door-Keepers; persons not members of their body.

IV. To have co-ordinate jurisdiction with the Senate in the enactment of laws.

V. To prefer charges against officers for misconduct in office, which is called Impeachment.

ORGANIZATION.

Who calls the Assembly to order for the purpose of Organization?

The Clerk of the last Assembly.

Who furnishes the Clerk with an official list of the members elect?

The Secretary of State.

By whom is the Oath of Office administered?

Usually by the Secretary of State. The oath may, however, be taken previously, before any Justice of the Supreme Court, the Attorney-General, the Lieutenant-Governor, any Judge of a County Court, the Mayor or Recorder of any city, or the Clerk of any county or Court of Record. The oath whenever taken must be duly subscribed, certified, and filed in the office of the Secretary of State. Members who are absent at the organization, may be sworn by the Speaker, if they have not previously taken the oath.

By whom are the other officers Appointed?

By the Speaker, except those in the department of

the Clerk, he having power to appoint his own deputies.

THE SENATE.

Who is the Presiding Officer in the Senate?

The Lieutenant-Governor; he is called the President of the Senate.

DUTIES.

What are some of the Duties of the State Senate?

I. To elect the remaining officers, whose names and duties are about the same as in the Assembly.

II. To have co-ordinate jurisdiction with the Assembly in enacting laws.

III. To act as a court for the trial of impeachments, associated with the judges of the Court of Appeals, and the President of the Senate.

IV. To confirm or reject appointments made by the Governor.

V. To elect a temporary president when the Lieutenant-Governor shall not attend as president, or shall be called to act as Governor.

How many members must be present in each house to do business?

A majority, which is called a Quorum.

BILLS.

Where may bills Originate?

Any bill may originate in either house of the Legislature.

What is the Difference in this respect between the Legislature of this State and Congress?

In Congress all bills for raising revenue *must* originate in the *House of Representatives.*

What is a Bill?

A bill is the proposed form of a legislative act or statute, while in the course of legislation, and before it becomes a law.

How may a bill be Introduced?

No bills may be introduced in the Assembly except in one of the following modes, viz:

1. By deposit at any time during the session in a box known as the "Bill-Box", which is under the immediate charge of the Clerk. Every bill must be in duplicate, endorsed by its title, accompanied by the name of the member introducing it.

NOTE.—At the close of each day's session, one of each of such bills deposited must be handed by the Clerk to the Speaker for his examination, after it has been recorded in a book kept for that purpose. At the next regular session the Speaker must announce the introduction of all bills thus received by him for their first reading (that is for reading by their titles), and refer them to their appropriate committee, by consent of the House.

2. By report of a committee.
3. By order of the House.
4. By message from the Senate.

What is done with a bill thus introduced?

All bills, whether introduced in the House or communicated by message from the Senate, must after their first reading be referred to a standing or select committee, to consider and report thereon. Such committee may report any bill, either with or without amendments, or it may report against the same.

What is done after a bill is favorably reported?

All bills favorably reported must, if the report be agreed to, be placed on the order of second reading: but where a bill has been reported adversely, and such report is agreed to by the House, it is rejected.

What happens to a bill on the order of Second Reading?

Bills on the order of second reading must be subject to debate before the motion to order them to a third reading is entertained. Such bills must be read section by section.

May a bill be Amended?

Bills may be amended on the second reading, and when so amended must be reprinted before they are read a third time. No bill may be put upon its third reading until it shall have been reported by the committee on printed and engrossed bills as correctly printed and properly engrossed.

What happens at the Third Reading?

On the third reading of the bill no amendments, except to fill blanks, are in order without unanimous consent, unless on commitment such amendment has been reported by a committee; in which case, after amendments so reported shall have been disposed of, the question becomes the same as pending before the reference.

Are these Three Readings compulsory?

Every bill previous to its passage, must receive three separate readings, on three different days, except by unanimous consent.

NOTE 1.—Three readings are required in the Senate, also in Congress.

NOTE 2.—Bills are read in three ways,—reading the enacting clause; reading the title; reading it through by sections.

NOTE 3.—When a bill is reported by a committee without having been previously referred to the committee, it receives its first and second readings in the same manner as when introduced by a member.

What happens to a bill that the Assembly has passed?

It is delivered by the Clerk to the Senate, where it goes through the same general procedure as in the Assembly.

Bills passed in the Senate are transmitted to the Assembly, and acted upon as though they originated there.

What happens to a bill when Amended?

When a bill is amended in either house, it must be returned to the other house for concurrence; a failure to concur defeats the bill.

What happens when both Houses have concurred?

After the concurrence of both houses in a bill, it is delivered by the Clerk of the one in which it originated to the Governor, and if it receives his approval it is by him sent to the Secretary of State, where it takes its place in the chapter of laws.

NOTE 1.—Each legislative body has its own particular rules, but these are in the main alike.

NOTE 2.—A Standing Committee is one appointed to continue during the session or term of the body from which it is chosen.

NOTE 3.—Where unanimous consent is asked for advancing a bill, it is the duty of the Speaker to order a roll-call for the purpose of determining if such consent be granted.

NOTE 4.—The enacting clause in the Legislature of New York is a constitutional provision, and reads as follows:

"The people of the State of New York, represented in Senate and Assembly, do enact as follows:"

The enacting clause in Congress is a Statute law (1871):

"Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:" for joint resolutions, "Resolved by the Senate and House of Representatives in Congress assembled."

Who are entitled to Vote upon all questions in the Legislature?

All the members of the Assembly and of the Senate, including the Speaker of the Assembly. Except upon questions upon which the Senate vote is tied, the Lieutenant-Governor cannot vote, because he has not been elected a member. But a member of the Senate elected president thereof is always entitled to a vote.

NOTE.—For manner of voting, see p. 131*. For Impeachments, see p. 132*.

SALARY.

How are Assemblymen and Senators paid?

I. By a salary fixed by the constitution, of $1,500;

II. And $1.00 for every 10 miles travelled in going to and returning from the place of meeting, once in each session on the most usual route.

III. Senators when convened in extraordinary session, or when serving as members of the Court of Impeachment, and such members of the Assembly, not exceeding 9 in number, as shall be appointed managers of an impeachment, shall receive $10.00 a day additional allowance.

TABULAR VIEW.

A tabular view of the officers, showing the source from whence they derive their authority.

- **Elected by the people of the State.**
  - Executive
    - Governor.
  - Presiding Officer
    - Lieutenant Governor.
  - Administrative
    - Secretary of State.
    - Comptroller.
    - Treasurer.
    - Attorney General.
    - State Engineer and Surveyor.
  - Judicial
    - Judges of the Court of Appeals.
- **Appointed by Governor and Senate.**
  - Superintendent of Banking.
  - Superintendent of Insurance.
  - Railroad Commissioners.
  - Superintendent of Prisons.
  - Superintendent of Public Works.
  - Notaries Public.
  - State Assessors.
  - Loan Commissioners.
  - Board of Claims.
  - Quarantine Commissioners.
  - Trustees of State Institutions, and some others

Elec. by joint bal. { Superintendent of Public Instruction.
Regents of the University.
United States Senators.

What are the first seven offices called?

They are called Elective Offices.

Why Elective?

Because the officers are voted for directly by the people.

Why are the Secretary of State, Comptroller, Treasurer, etc., called Administrative?

Because they assist the Governor in the administration and enforcement of the laws.

What are the Superintendents of Banking, Insurance, etc., called?

They are called Appointive Officers.

Why Appointive?

Because these offices are filled by appointment by the Governor subject to ratification by the Senate.

What is meant by being elected in Joint Ballot?

Both houses (that is, Senate and Assembly) vote together as one body.

How many Officials in the offices just named?

One of each of the following: Gov., Lieut. Gov., Sec. of State, Comp., Treas., Atty. Gen., State Eng. and Surveyor; seven Judges of the Court of Appeals; three Railroad Commissioners; one Sup't each of Banking, Insurance, Prisons, and Public Works; three State Assessors; a large number of Notaries; two Loan Commissioners for each county; three members Board of Claims; one Superintendent of Public Instruction; and nineteen Regents.

TERMS OF OFFICE.

For how long a term are the Governor and Lieutenant-Governor elected?

For 2 years.

For how long a term are the Sec. of State, Comp., Treas., Atty. Gen., and State Eng. and Surveyor elected?

For 2 years.

For how long a term are the Superintendents of Banking and Insurance appointed?

For 3 years.

For how long a term are the Superintendent of Prisons and Railroad Commissioners appointed?

For 5 years.

For how long a term is the Superintendent of Public Works appointed?

As long as the term of the Governor appointing him lasts.

For how long a term are the Superintendent of Public Instruction and State Assessors appointed?

For 3 years.

For how long a term the Regents of the University?

For life.

ELIGIBILITY.

What about the Eligibility of these officers?

The Governor and Lieutenant Governor must be 30 years of age, and must have been for the 5 years next preceding their election residents of the State.

DUTIES.

What are some of the Duties of the Governor?

He is commander-in-chief of all the military and naval forces of the State; has power to convene the Legislature (or Senate only) on extraordinary occasions; communicates by message to the Legislature at every session the condition of the State, and recommends such measures as he deems expedient; transacts all necessary business with the officers of the government, civil and military; expedites all measures resolved upon by the Legislature; takes care that the laws are faithfully executed; and has the power of granting reprieves, commutations and pardons for crime.

What are some of the duties of the Lieutenant Governor?

He is President of the Senate and has the casting vote therein; is a member of the Canal Board; is one of the commissioners of the Land Office; is one of the commissioners of the Canal Fund; is one of the trustees of the Capitol; is one of the trustees of the Idiot Asylum; and, *ex-officio,* one of the Regents of the University, and member of the State Board of Charities. If the Governor dies, resigns, is impeached, or otherwise becomes unable to discharge the powers and duties of his office, they devolve upon the Lieutenant Governor for the residue of the term.

What are some of the duties of the Secretary of State?

He is the keeper of the record books and papers belonging to the State; receives and records all pardons, and other executive and legislative acts, election returns, etc.; furnishes certified and printed copies to the United States, State and County officers, and other persons authorized to receive the same; supervises the printing of the laws passed each year; reports annually to the Leg-

islature statistics of pauperism and crime, and other information called for. He is a member of the Canal Board, a commissioner of the Land Office, a member of the Board of State Canvassers and of the Board of State Charities, a Regent of the University, a trustee of the Capitol, of the State Hall, and of the Idiot Asylum.

What are some of the duties of the Comptroller?

He superintends and manages the fiscal concerns of the State; reports to the Legislature its annual revenues, expenditures and estimates; audits, examines and settles accounts due to or from the State; directs and superintends the collection of taxes and other moneys; draws warrants on the Treasurer for the payment of debts due by the State; negotiates temporary loans, if necessary to meet the demands against the State; countersigns and registers all Treasurer's checks and receipts. He is a member of the Canal Board, a commissioner of the Land Office and of the Canal Fund, a member of the Board of State Canvassers, a trustee of the Capitol, the State Hall and the Idiot Asylum, and a member of the State Board of Charities.

What are some of the duties of the Treasurer?

He has charge of all the moneys paid into the State Treasury; pays drafts upon the warrants of the Comptroller, the Auditor of the Canal Department and the Superintendent of the Bank Department; and keeps the State's Bank account. He is commissioner of the Land Office, and of the Canal Fund, a member of the Canal Board, and of the Board of State Canvassers.

What are some of the duties of the Attorney General?

He defends and prosecutes all suits in which the State

is interested; receives costs adjudged to the State; prepares drafts of contracts, etc., for State officers, and prosecutes in their behalf persons violating the laws in regard to their departments; prosecutes criminals in the Oyer and Terminer Court when required by the Governor or Justices of the Supreme Court. He is commissioner of the Land Office and of the Canal Fund, a member of the Canal Board, the Board of State Canvassers, the Board of State Charities, and a trustee of the Capitol and State Hall.

What are some of the duties of the State Engineer and Surveyor?

He prescribes the duties of and assigns divisions of canals to, engineers; visits and inspects canals; prescribes surveys, maps, plans, estimates, etc., in the construction and improvement of a canal; is a member of the Canal Board, of the State Canvassers, a commissioner of the Land Office, and a trustee of the State Hall.

What are some of the duties of the Superintendent of Banking?

He has the general supervision of the banks of the State, and reports their condition annually to the Legislature; issues circulating notes to banks on their depositing securities, holding their stocks and mortgage securities, and when a bank proves insolvent sells them and redeems its circulation.

What are some of the duties of the Superintendent of Insurance?

He has the general supervision of all insurance companies transacting business in the State, and reports their condition annually to the Legislature.

What are some of the duties of the Board of Claims?

Two of the three members must be practising attorneys and counselors in the Supreme Court. They have

jurisdiction to hear, audit, and determine all private claims against the State; and also the claims of the State against any person making a claim against the State; and make an award thereof.

What are some of the duties of the Superintendent of Prisons?

He has general supervision of the prisons; appoints the keepers and other officers therein.

What are some of the duties of the Superintendent of Public Works?

He has charge of the Public Works, of the construction of new canals, etc.; reports annually to the Legislature.

What are some of the duties of the Superintendent of Public Instruction?

He has general superintendence of the public schools; inquires into their management; advises and directs in regard to their course of instruction and discipline. He apportions and distributes the public moneys; examines the supplementary apportionment made to all the districts by the school commissioners, and sees that to each district is set apart its proportionate share, and that the same is expended by the trustees and paid by the supervisor according to law. He decides all appeals involving school controversies that are brought before him; has the general management of teachers' institutes; makes appointments of State pupils to the institutions for the instruction of the deaf and dumb, and the blind, upon the certificate of the proper local authorities, and he visits and inquires into the condition and management of these institutions; is chairman of the committee of the State Normal Schools, and appor-

tions among the counties the number of pupils to which each is entitled; has charge of the Indian schools; is, *ex-officio*, a Regent of the University; compiles the commissioners' abstracts of school districts in the State, setting forth their condition and the account of receipts and expenses for each year; and makes an annual report to the Legislature.

Of what officers is the Canal Board composed?

The Lt.-Governor, Secretary of State, Comptroller, Treasurer, Attorney General, State Engineer and Surveyor, and the Superintendent of Public Works. See page 179.

What is the Railroad Commission?

I. The Governor and Senate appoint three persons who are called Commissioners. One is selected from each of the two political parties having the highest number of votes at the election in 1882. The other, upon a recommendation of a majority of the following named: "Chamber of Commerce of the State of New York"; "The New York Board of Trade and Transportation"; "The National Anti-Monopoly League of New York".

They hold their offices for 5 years.

II. Their principal office is in Albany, and they meet there at least once each month during the year.

III. They have general supervision over all the railroads; investigate the cause of any accident resulting in loss of life; examine books; suggest changes in regard to management, rates, transportation of freight, etc. If their suggestions are not complied with, they report the same to the Attorney General, and also to the Legislature.

What are the Salaries of these officers?

They are as follows:

Governor	$10,000
Lieutenant Governor	5,000
Secretary of State	5,000
Comptroller	6,000
Treasurer	5,000
Attorney General	5,000
State Engineer and Surveyor	5,000
Superintendent of Banking	5,000
Superintendent of Insurance	7,000
Superintendent of Prisons	6,000
Superintendent of Public Works	6,000
State Assessors	2,500
Board of Claims	5,000
Superintendent of Public Instruction	5,000

STATE CANVASSERS.

Who are the State Canvassers?

The Secretary of State, Comptroller, Treasurer, Attorney General, and State Engineer and Surveyor.

STATE ASSESSORS.

What are some of the duties of the State Assessors?

The State Assessors with the Commissioners of the Land Office (see p. 179) constitute the Board of Equalization, whose duties are to equalize the State tax among the several counties, and to fix the amount of assessment of real and personal estate on which the State tax shall be levied on each county.

The State Assessors have power to subpœna witnesses, compel their attendance, and examine them under oath in the same manner as though such subpœna had issued from a court of record of this State; and all State, county, city, and town officials must furnish them with all information belonging to or connected with their respective offices, which the assessors may require of them in the proper discharge of their duties.

Who was Governor, as well as the great mover in building the Erie Canal? When commenced and when finished?

NOTE 1.—*The Erie Canal* was contemplated and an act passed by the Legislature, in 1817, for its construction. It was built by sections; the first being completed between Rome and Utica. The first boat passed between those places in 1819, carrying Governor Clinton, Chancellor Livingston, General Van Rensselaer, and other distinguished citizens who had been instrumental in its construction.

Its original cost was $8,000,000 and it was finished in 1825. The first flotilla of boats left Buffalo, October 26, of that year. It arrived at New York, November 4, and was received by a large concourse of people, who proceeded to a place near Sandy Hook, where Governor Clinton poured into the briny deep a keg of fresh water which had been brought from Lake Erie, thus signalizing the marriage of the great lakes with the Atlantic Ocean.

It was enlarged and completed in 1862, at an additional expense of $32,000,000: the total cost being $40,000,000.

NOTE 2.—*U. S. Senators from New York.*—In the Constitution of the United States, Article 1, Section 3, Clause 2, the classification of the Senators in the *First Congress*, their term of office, etc., is fully stated, but the *manner* of their classification is more fully explained on page 106. The table on page ix gives the names and date of election or appointment of all the Senators from this State, from 1789 to the present time, and will be very convenient for reference.

Philip Schuyler was drawn in the *first class*, and Rufus King in the *third class;* consequently Philip Schuyler's *first term* was *two years*, and Rufus King's *first term* was *six years*.

The star at the left hand of a date indicates the close and commencement of a full term after the expiration of the first term. The names between the stars represent Senators who have been appointed by Governors during a vacation of the Legislature, or those who have resigned or were appointed or elected to fill vacancies.

The full term always commences March 4, and in odd years.

Martin Van Buren, Wm. L. Marcy, and Silas Wright resigned their Senatorial office upon being elected to the office of Governor of the State.

QUESTIONS.

How many of the Senators from New York served a full term or more?

Who were the first and who are the present Senators?

Who were in the Senate from this State at the time of the war with England? the war with Mexico? the Civil War?

Who were in the Senate from this State at the time of the Louisiana Purchase? the Florida Purchase? the Annexation of Texas?

the acquisition of California? the acquisition of New Mexico? the Gadsden Purchase? the purchase of Alaska?

NOTE.—Multiply questions in which these officials have been connected with the great events of this country.

ELECTIONS.

How can officers be Changed?

Officers can be changed at the close of their official terms by the same power that made them officers.

I. Elective officers can be changed by the will of the legal voters expressed in their ballots.

II. Appointive officers can be changed by the person who appointed them, or by his successor in office.

III. Officers can be removed by impeachment, or for misconduct or malfeasance in office.

EXAMPLES.

I. School district officers can be changed by a majority vote at an annual school meeting, as soon as their term of office expire.

II. Town officers can be changed by a majority vote, at an annual town meeting, preceding the close of their terms of office.

III. County and State officers can be changed by a majority vote at the annual election preceding the close of their term of office.

MAJORITY AND PLURALITY.

What is meant by Majority and Plurality in an election?

When two candidates *only* are being voted for, for the same office, the person having more than one-half of the votes has a *majority;* when the three persons or more are being voted for, for the same office, the person having the *greatest* number of votes has a plurality.*

Majority means more than one-half.

Plurality means more than anyone else.

NOTE 1.—At the Presidential election in 1884, Mr. Cleveland received 4,874,118 votes; Mr. Blaine received 4,849,850 votes; Mr. Butler, 184,948 votes; Mr. St. John 149,326 votes. Mr. Cleveland received a *plurality* of the popular vote, and a *majority* of the electoral vote. A *majority* of the electoral vote is required to elect a president,—without it the election goes to the House of Representatives. See the elections of 1801 and 1825, p. vi.

* A candidate may have a majority over two or more opponents.

NOTE 2.—In New York a plurality vote elects in State, county, town, and district.

At the State election in 1885, Mr. Hill, for Governor, received 501,465 votes; Mr. Davenport received 490,331 votes; Mr. Bascom, 30,867 votes. Mr. Hill received a *plurality* of the votes, and was elected.

TOWN MEETINGS AND ELECIONS.

When are Town Meetings held in New York?

Between the first Tuesday in February and the first Tuesday in May, as required by statute law: the day is named by the board of supervisors. See page 16.

When is the New York State election held?

On the Tuesday following the first Monday in November in each year; twenty-three other States hold their annual elections on that day.

When is the Presidential election held?

The Presidential election is held every *Leap Year*, in all the States, on the Tuesday following the first Monday in November.

NOTE.—Congress enacted a law, January, 1845, declaring that the Presidential election should be held *in all the States*, on the Tuesday following the first Monday in November, in the year in which a President is to be elected.

NEW STATES.

How are States admitted into the Union?

I. New States are usually made from Territories, and are admitted by an act of Congress.

II. Territories *may* or may *not* have the number of inhabitants which constitutes the ratio for one Representative (at present 154,000). Congress has not always required it for admission.

III. A Territory adopts its own State constitution, and when admitted comes in under that constitution.

IV. West Virginia was not a Territory; but the inhabitants of forty counties in the north-western part of Virginia repudiated the secession convention, held at Richmond, and organized a government of their own. They adopted a constitution, and this district was admitted by Congress as a State in 1862.

TERRITORIES.

What can you say about Territories?

I. Territories are organized by an act of Congress, defining their boundaries.

II. The chief executive officers are a Governor and a Secretary, appointed by the President with the consent of the Senate, for a term of four years.

III. An Auditor, Treasurer, and Superintendent of Common Schools, are elected by the Territorial Legislature for two years.

IV. The Legislature consists of a Council and House of Representatives, elected by the people, by districts, for two years, and their sessions are usually biennial.

V. The Judicial power is vested in a Supreme Court, District Courts, Probate Courts, and Justices of the Peace.

VI. Each Territory is divided into three judicial districts, and the Supreme Court thereof consists of a Chief Justice and two associates, appointed by the President for a term of four years; its jurisdiction is *appellate.*

VII. A District Court with general *original* jurisdiction is held in each judicial district in a Territory by a Justice of the Supreme Court.

VIII. There is a Probate Court for each county, the

judges being elected by the people for a term of two years.

IX. Justices of the Peace are elected, and have jurisdiction over minor cases.

X. Delegates to Congress are elected by the voters of the Territory, and serve during a Congress, but have no vote. See page 105.

SALARIES.

Governor	$3,500
Secretary	3,000
Chief Justice	3,000
Associate Justices	3,000
Delegate to Congress	5,000

DISTRICT OF COLUMBIA.

What can you say about the District of Columbia?

I. The Constitution confers upon Congress the exclusive legislative control of the District. See page 136.

II. The people have no voice in the election of presidential electors.

III. By a law of Congress in 1874, the Executive, Legislative, and Public Works Departments, and the office of Delegate to Congress were abolished.

IV. By the same law an office (to be administered by three Commissioners appointed by the President and Senate) was created, giving the Commissioners authority to abolish any office, consolidate two or more offices, remove from and make appointments to office.

V. By the same law the municipalities of Georgetown and Washington were abolished, which suppressed the elective franchise throughout the district.

VI. The Supreme Court of the District of Columbia consists of one Chief Justice and five associates, ap-

pointed by the President and Senate, holding their office during good behavior.

VII. The Supreme Court has general *original* jurisdiction in law and equity.

VIII. The General Term held by all the Justices of the Supreme Court of the District, or a majority of them, hears appeals and writs of error from determinations of a single Justice of the Supreme Court.

IX. Any one Justice may hold a Special Term.

SALARIES.

Commissioners	$3,000
Chief Justice	4,500
Associate Justices	4,000

JUDICIARY.

JURIES

What is a Jury?

A body of men selected according to law, and sworn to inquire into and try any matter of fact, and declare the truth of it on the evidence given in the case.

Name some Juries?

I. One for the trial of causes in a Justice's Court, composed of 6 freeholders of lawful age.

II. One of 12 men, called a Trial Jury, whose duty it is to try causes in county and supreme courts, and render a verdict according to the facts proven.

III. One called a Grand Jury, of not less than 16 nor more than 23, whose duty it is to examine into accusations against persons charged with crime, and if they find sufficient testimony to warrant it, to find a bill of indictment against the person or persons complained of. See page 154.

IV. One of not less than 6 nor more than 15 persons, summoned by the coroner, to inquire into the cause of any mysterious or violent death.

The jury for laying out new highways has been discontinued, and a commission consisting of three persons to be appointed by the county judge, substituted in its place.

The persons constituting the road commission must not be residents of the town in which the road is to be located.

What Qualifications are requisite for jurors?

They must be freeholders (owners of real estate), between the ages of 21 and 70.

Who are Exempt from sitting on a jury?

Persons over 60 years of age, postmasters, and many others.

How are jury lists Obtained?

I. The trial jury list is made by the supervisor, town-clerk, and assessors of the several towns in a county, containing the names of all persons deemed qualified, and the names in the several lists are written upon slips of paper of the same size and deposited in a box in the county clerk's office.

II. The grand jury list is reported at the annual meeting of the board of supervisors, who apportion the number (300) among the several towns in the county in proportion to population. Each supervisor selects from his town the number to which it is entitled; and these several lists are written upon slips of paper as before and deposited in a box in the county clerk's office.

III. The trial jury lists are revised every third year; the grand jury lists every year.

When and how are juries Drawn?

I. By the county clerk, in the presence of the county judge and sheriff, and not more than 20 nor less than 14 days before the sitting of the court for which they are drawn.

II. The clerk puts his hand into the box containing the names of all the trial jurors for the county, and without seeing the names until drawn, proceeds to draw 36 ballots from the box, which constitutes the trial jury for that term of court; then from the grand jury box 24 names are drawn in the same manner, which constitutes the grand jury for that term. Only 23 grand jurors are allowed to sit.

III. These juries serve for both county and supreme courts.

How is the jury for each individual cause obtained?

I. The 36 trial jurors' names are put into a box, and when the cause is called, the clerk in the presence of the court draws out the names until 12 satisfactory persons are obtained.

II. The entire 12 jurors must agree upon the verdict. The verdict is reported to the court by the presiding officer, whom the jurors have selected, called a foreman.

III. If the jury fails to agree, the cause will be tried again before another jury.

What about the Grand Jury?

I. The judge appoints the presiding officer, called a foreman. During examination, only the witness who is being examined, and the district attorney, if desired by the jury, can be present; and they must retire when the jury ballots in regard to a bill.

II. When a bill of indictment is found it is presented to the court by the foreman in the presence of the jury.

NOTES—I. United States circuit and district courts have grand and trial jurors, drawn from the jury lists of the county from which the cause is being tried.

II. The jury for a justice's court (12 persons) is drawn from the trial jury list of the town in which the trial takes place.

III. A justice of the supreme court or a county judge may order, if deemed necessary, the drawing of an additional number not to succeed 24, in addition to the 36 trial jurors already drawn.

IV. At a trial term of the supreme or county courts, the court may issue an order directing the clerk to draw, and the sheriff to notify any number of additional trial jurors which the court deems necessary.

V. In counties containing 300,000 inhabitants or more, there is a commissioner of juries, whose duty is to supervise the drawing of juries in and for said counties.

When may the above-named courts order a Struck Jury?

When it shall appear that an impartial trial cannot be had, or that the intricacy of the case requires such a jury.

What Time is required in the notice for striking a jury?

The party obtaining the order shall give notice eight days before the time for striking, that he will attend before the clerk of the county in which the venue is laid, for the purpose of having such jury struck.

NOTES.—I. The clerk shall select from the jury lists of the several towns the names of 48 persons, whom he shall deem most indifferent between the parties and best qualified to try the cause.

II. The party or his attorney, on whose application the order was granted, shall first strike one from the list, and then the opposing party or agent, alternating, until 12 shall have been stricken from the list by each party.

III. The clerk shall certify the names of the 24 persons whose names have not been stricken off, who shall be summoned, and from which number a jury shall be empanelled as in other juries.

STATE COURTS.

A tabular view of the judiciary of the State, commencing with the lowest courts and showing them in their regular order, leaving out such as are established for particular localities. See pp. 181–193.

I. Justice's Court.

II. County
1. County Court.
2. Surrogate's Court.

III. Supreme
1. Trial Term.
2. Special Term.
3. Appellate Department.

IV. Court of Appeals.

JUSTICE'S COURT.

What is the Lowest Court in this State?

A Justice's Court, held in each town by one of the Justices of the Peace.

What Jurisdiction has this court?

Original: that is, suits can be commenced in it, and tried in it.

In a civil action how large a Judgment can be obtained?

Not to exceed $200.

Can Criminal Suits be tried in a Justice's Court?

Some can be tried in it; but usually the parties give bail for their appearance at a higher court to await the action of the Grand Jury?

NOTE.—Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but not as a court of record, or with any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts. See page 192.

COUNTY COURT.

What is the next higher court?

The County Court.

What Jurisdiction has the County Court?

Original and Appellate: that is a suit may be commenced in it, or it may be appealed from a lower court.

Its original jurisdiction extends to actions for the recovery of money only, when both parties reside in the county, and the sum claimed does not exceed $2,000; and also in criminal causes not extending to the higher crimes. See page 189.

Who presides in the County Court?

The County Judge.

What Jury decides causes tried in the County Court?

The Trial Jury, consisting of twelve men.

SURROGATE'S COURT.

What is the Surrogate's Court?

It is held to establish proof of wills, and in general to attend to the settlement of estates.

How is it held if the County Judge or Surrogate is unable to hold it?

The Legislature may appoint local officers, not more than two in any county, to exercise his duties.

SUPREME COURT.

What is the next higher Court?

The Supreme Court. See pp. 181–184.

What are its Divisions?

The Trial Term, Special Term, and Appellate Division.

For judicial convenience the State has been divided into how many Districts?

Into 8 Judicial Districts, numbered from one to eight inclusive.

What are the judges in this Court called?

Justices of the Supreme Court.

How Many are elected in each district?

10 in the first; 9 each in the second, fifth, seventh, and eighth; 6 each in the third, fourth, and sixth; besides the 6 judges of the New York superior court, the 6 judges of the court of common pleas of New York, the 3 judges of the superior court of Buffalo, and the 3 judges of the city court of Brooklyn, who are transferred to the supreme court.

For how long a Term are these Justices elected?

For 14 years. Salary $6,000, and an annual allowance for expenses.

How may they be Removed?

By concurrent action of the Legislature, if two-thirds of all the members elected to each house concur therein, but only for cause, with opportunity to be heard.

How are Vacancies filled?

For a full term, at the next general election happening not less than three months after such vacancy occurs. Until the vacancy shall be so filled, the Governor shall fill the vacancy by appointment to continue until the last day of December following the election. See page 183.

NOTE.—If the Senate is in session, its consent is necessary to the appointment.

What constitutional provisions in regard to Eligibility?

The candidate must when elected be attorney and counsellor in this State, and a justice may not hold the office longer than the last day of December next after he becomes 70 years of age.

NOTE.—They may not practise as attorney or counsellor-at-law in any court of record in the State, or act as referee.

What are some of their Duties?

To preside and try causes in the Trial Term; to hear motions in the Special Term; and when appointed Justices of the Appellate Division to hear and decide appeals there.

SPECIAL TERM.

What is a Special Term?

A Court held by one of the Supreme Court Justices

in the district, simply for hearing and deciding motions and appeals.

APPELLATE DIVISION.

How is the State divided into Judicial Departments?

There are four Judicial Departments, one consisting of the city of New York, and the others bounded by county lines and as compact and as nearly equal in population as can be. See pp. 181–183.

Of what does the Appellate Division of the Supreme Court consist?

Of 7 justices from the first Department, and 5 from each of the other Departments, appointed by the Governor. In each Department, not more than 5 justices shall sit in any case; 4 shall constitute a quorum, and 3 must concur to render a verdict.

What Powers does this Appellate Division exercise?

Those formerly exercised by the General Term of the Supreme Court, of hearing appeals from the Supreme Court. The Justices of each Department also fix the times and places for holding special and trial terms of the Supreme Court.

NOTE.—No Justice is permitted to sit in review of a decision made by him or a court of which he was a member.

COURT OF APPEALS.

Of what does the Court of Appeals consist?

Of 7 Judges, elected by the electors of the whole State for a term of 14 years; one of their number is called a Chief Judge; for a quorum 5 must sit, and 4 must concur in a decision.

What are their Salaries?

The salary of the Chief Judge is $10,600; of the Associate Judges, $10,000.

NOTE.—For list of Judges, see table, page viii. The same restrictions as to age and practising are imposed upon them as upon Supreme Court justices. See page 81.

How are Vacancies filled?

As in the Supreme Court. See page 81.

NOTE.—If the vacancy occurs in the office of Chief Judge, and an Associate Judge is appointed, he does not vacate the latter office except during his appointment.

What Jurisdiction has the Court of Appeals?

The review of questions of law.

State how Appeals may be taken from one court to another.

The party aggrieved may appeal from a Justice's Court to the County Court; from County Court or from Trial Term in the Supreme Court, to Special Term; from Special Term to Appellate Division; from Appellate Division to Court of Appeals.

What may these Courts do?

They may affirm decisions made by the lower courts, or reverse decisions, or grant new trials.

ILLUSTRATION.

In what court is a person charged with Murder tried?

In the Trial Term of the Supreme Court.

What Privilege has the prisoner if convicted?

He has the right to appeal to the Special Term.

Should this Justice refuse the appeal, what further can he do?

He may appeal to the Appellate Department.

If the Appelate Department refuse, what then?

He may carry the case to the Court of Appeals.

If the Court of Appeals refuse to grant a new trial, what then?

The decision of the Supreme Court must be carried out unless the Governor interferes.

In case the penalty be Death and the day for execution has passed, what then?

The prisoner must be re-sentenced by the Judge who presided at the trial.

In case either of the Appellate Courts grants a new trial, what is to be done?

The cause will be tried in the same court, or, in one having the same jurisdiction, but before a different jury.

How are Civil Causes managed on appeal?

In the same way, only that court may affirm or reverse decisions as well as grant new trials.

UNITED STATES COURTS.

In what respect are the State Courts and National Courts similar?

Each has a Supreme and Circuit court.

What are the names applied to United States Courts?

The Constitution of the United States calls them Inferior Courts, and one Supreme Court. The Inferior Courts are the Circuit and District Courts. The territory of each is defined by Congress.

A TABULAR VIEW OF UNITED STATES COURTS.

I. Inferior. { 1. District Courts. 2. Circuit Courts.

II. Supreme.

How many District Courts are there at present?

There are 65, 56 of them being in the States, and 9 of them in the Territories.

What is the largest number of Districts into which any State is divided?

Three: Ala., N. Y., and Tenn. have 3 districts each; Ark., Fla., Ill., Mich., Miss., Mo., N. C., Ohio, Penn., Tex., Va., and Wis. have 2 districts each, and the remaining States and Territories 1 each.

What Officers in the District Court?

One District Judge, a District Attorney, Assistant District Attorneys, a Marshal, a Clerk, and a large number of Deputy Marshals; and also Registers in Bankruptcy.

What Jurisdiction has a District Court?

Original jurisdiction.

What are the Salaries of the District Judges?

$4,000 each.

What does the Territory of several districts constitute?

A Circuit.

How many Circuits are there?

Nine, each presided over by a Circuit Judge,

What Jurisdiction has the Circuit Court?

Original jurisdiction.

What are the Salaries of the Circuit Judges?

$6,000 each.

SUPREME COURT.

What Territory is embraced in the jurisdiction of the Supreme Court?

The whole of the United States.

How many Judges constitute the Supreme Court?

9 judges; corresponding with the number of the Circuits.

NOTE.—For list of them, see Table, page xi.

When does the Supreme Court meet?

The second Monday in October, at Washington, and holds one term annually.

What is its Jurisdiction?

Principally Appellate; it has original jurisdiction in a few cases, as mentioned in the Constitution.

By whom are all these judges Appointed?

By the President and Senate.

What is the Salary of the Supreme Court Judges?

The Chief Justice receives $10,500. Associates receive $10,000.

For how long a Term are all these judges appointed?

They hold the office for life, or during good behavior, or until they resign.

COURT OF CLAIMS.

What is the Court of Claims?

I. The Court of Claims consists of a Chief Justice and 4 Associate Justices, appointed by the President and Senate, and holding their office during good behavior. The salaries of Chief Justice and of Associate Justices are $4,500 each.

II. It has authority to hear and determine all claims against the United States, founded upon any law of Congress or regulation of the executive department.

III. And upon any contract with the government, expressed or implied, and all claims which may be referred to it by Congress.

IV. Also all set-offs, counter claims, claims for damages, or other demands whatsoever on the part of the government against any person making claim against the government in this court.

THE UNITED STATES.

PRESIDENTIAL ELECTIONS.

Under how many heads may this topic be treated?

Two: the first being the manner pursued by the political parties for nominating candidates; the second, the constitutional provisions for electing them.

Preliminary action of political parties.

I. Calling of a National Convention.
II. Calling of State Conventions.
III. Calling of County or Assembly District Conventions.
IV. Calling of Town Caucuses.

By whom is the National Convention called?

By a National Committee appointed at the last National Convention, or the one held four years before.

By whom is the State Convention called?

By a State Committee, appointed at the State Convention held the year before.

By whom is the County or Assembly District Convention called?

By a County or District Committee, appointed at a previous convention.

By whom is a Town Caucus called?

By a Town Committee, appointed at a previous meeting.

Which meeting is held first?

The Town Caucus, where delegates are elected to attend a County or Assembly District Convention.

Which Convention is next held?

The County or Assembly District Convention, where delegates are elected to attend the State Convention.

Which Convention is next held?

The State Convention, where delegates are elected to attend the National Convention.

What Convention is next held?

The National Convention. The delegates then and there assembled nominate candidates for the offices of President and Vice-President; and adopt their political platform.

When do these conventions just named take place?

Once in four years, in the months of April, May, June, preceding preceding the presidential election.

Further action by political parties.

I. State Convention for nominating the Electors for President and Vice-President.

II. Voting for these Electors at the annual elections.

When does the State Convention for nominating the Electors meet?

At a time when it is convenient to nominate State officers: usually in August or September.

To how many Electors is each State entitled?

To as many as it has Representatives and Senators. For instance, New York has 34 Representatives in the House, and 2 Senators; therefore New York is entitled to 36 electoral votes Colorado has 1 Representative, and 2 Senators, and is entitled to 3 electoral votes.

How are these Electors distributed about the State?

One Elector is elected for each Congressional District; the two others are called Electors at Large, and are selected from any part of the State.

What must each political party do that it may get its candidates before the people?

It must have its conventions and nominate the required number of electors.

What are these Electors intended to represent?

The views of the party nominating them.

How frequently, and when, is a Presidential election held?

Once in four years, on the Tuesday following the first Monday in November, throughout all the States.

What must each voter do, in the State of New York, that he may cast a ballot for President and Vice-President?

He must hand to the inspectors of election a ballot upon which is printed the names of the 36 electors.

By whom are these votes to be Canvassed (or counted)?

By the same officers that canvass other votes. In New York State the inspectors of election canvass for their respective election districts, and certify the same to the Board of County Canvassers; the County Canvassers canvass for counties, and certify to the State Canvassers; the State Canvassers canvass for the State; and the Executive authority of each State causes three lists of the Electors of such State to be made and certified and delivered to the said Electors, on or before the second Monday in January.

MEETING OF PRESIDENTIAL ELECTORS.

What must the Electors that have been declared elected then do?

I. They must meet on the second Monday in January succeeding their election, at such place in each

State as the Legislature thereof shall designate (usually the capital), and must vote for President and Vice-President, one of whom shall not be an inhabitant of the same State with themselves.

II. The Electors must make and sign three certificates of all the votes by them given for President and Vice-President, annexing to each a certificate of the Electors furnished by the authority of the Executive.

III. These certificates must be sealed, certifying, on the outside of each, that there is contained therein a list of the votes of such State for President and Vice-President.

IV. A person duly appointed by the Electors, or a majority of them, must take charge of and deliver one of these certificates to the President of the Senate, at the seat of government.

V. The second certificate must be forwarded through the mails to the President of the Senate, at the seat of government.

VI. The third certificate must be delivered to the Judge of the District Court in which the electors assemble.

OPENING AND COUNTING THE ELECTORAL VOTES.

When and by whom must these Certificates be opened?

On the second Wednesday in February the President of the Senate, in the presence of the Senate and House of Representatives, must open these certificates, and the votes must then be counted. The person having the greatest number of votes, if that number be a majority, shall be the President; and the person having the greatest number of votes for Vice-President, if that number be a majority, shall be Vice-President.

Who must count the votes?

Tellers appointed for that purpose by the House and Senate.

In case neither candidate for the presidency has a Majority of all the electoral votes cast, what must be done?

The election goes to the House of Representatives.

ELECTION BY THE HOUSE OF REPRESENTATIVES.

How does this Election take place?

I. Two-thirds of the States must be represented to constitute a quorum.

II. The candidates must be those already voted for, and must be confined to those receiving the highest number, not exceeding three.

III. Each State is entitled to only one vote: and it will be cast according to the wishes of a majority of the members in the House from that State. If, for instance, a State has 15 members, 8 belonging to one party, and 7 to another, the 8, being a majority, will, if agreed, cast the one vote; the minority having no voice in the election. Should there be an even number of members from any State, and should they be equally divided between two candidates, there might be one-half vote for each candidate.

In case of a Failure on the part of the House of Representatives to elect a President before the 4th of March, what then?

The Vice-President must act as President.

ELECTION OF VICE-PRESIDENT BY THE SENATE.

Can the Senate ever elect a Vice President?

Yes, when the people have failed to elect a Vice-President, then the Senate must elect.

How is this done?

I. Two-thirds of all the Senators constitute a quorum.

II. The Senate must vote for the two persons who received the highest number of votes for Vice-President.

III. A majority of all the members elected to the Senate is necessary to a choice.

IV. Should there be a tie in the Senate, the Vice-President may give the casting vote.

V. Should the Vice-President have succeeded to the presidency, or have vacated his office, and the President *pro tem.* (a Senator) preside, in that case there might be a tie, and no election reached.

THE PRESIDENTIAL SUCCESSION.

What are the provisions for filling the office of President when Vacant?

In case of the removal, death, resignation, or inability of a President to discharge the powers and duties of the said office, the same shall devolve upon the Vice-President.

II. In case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the duties of said office shall devolve upon the Cabinet officers in the following order:

1. Secretary of State; if there be none, then on the
2. Secretary of the Treasury; if there be none, then on the
3. Secretary of War; if there be none, then on the
4. Attorney General; if there be none, then on the
5. Postmaster General; if there be none, then on the
6. Secretary of the Navy; if there be none, then on the

7. Secretary of the Interior: until the disability of the President or Vice-President is removed or a President shall be elected.

III. *Provided,* That whenever the powers and duties of the office of President or Vice-President shall devolve upon any of the Cabinet officers, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

IV. Cabinet officers to be eligible must have been appointed by the *advice and consent* of the Senate, and be eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives at the time the duties shall devolve upon them. (Approved January 19, 1886.)

What is the Electoral College?

I. The term "Electoral College" means the presidential Electors when assembled as a body to cast the vote for President and Vice-President.

II. Each State may provide by law for the filling of any vacancy which may exist in its college of electors, when such college meets to cast its electoral vote.

What are the requirments as to Eligibility of the President and Vice-President?

I. No person shall hold the office, either of President or Vice-President, except native born citizens, or those who were in this country at the time of the adoption of the Constitution.

II. The candidate must have been a resident of the United States for 14 years.

III. He must be at the time of his election 35 years of age.

What are some of the Duties of the President?

I. He is Commander-in-Chief of the Army and Navy of the United States;

II. And of the Militia of the several States when called into actual service of the United States.

III. He has power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

IV. He has power to make treaties when two-thirds of the Senate present concur.

V. He nominates, and, by and with the consent of the Senate of the United States, appoints Ambassadors, Public Ministers, Consuls, Judges of the United States Courts, and all other United States officers not otherwise provided for.

VI. He may fill all vacancies that happen during recess of the Senate, by granting commissions that expire at the close of the next session.

VII. He must from time to time give to Congress information in regard to the condition of affairs in the United States, and recommend such measures as he deems expedient. For further duties, see Constitution of the United States, Art. II.

What are some of the Duties of the Vice President?

I. He is President of the United States Senate, and has a vote only in case of a tie.

II. In case he succeeds to the presidency, then he

performs the duties of the President, and the President *pro tem.* (a Senator) performs the duties of Vice-President and Senator.

What are the Salaries of the President and of the Vice-President?

The President receives $50,000;* the Vice-President receives $8,000.

A tabular view showing how some United States officers get their authority.

- From the people.
  - I. Electors
    1. President.
    2. Vice-President.
  - Members of the House of Representaties — President sometimes.†
- From State Legislatures.
  - U. S. Senators — V. President sometimes.‡

What appointments are made by the President subject to confirmation by the Senate?

I. President's Cabinet consisting of
1. Sec. of State.
2. Sec. of Treasury.
3. Sec. of War.
4. Sec. of Navy.
5. Sec. of Interior.
6. Postmaster General.
7. Attorney General.

II. Governors of territories.

III. Ambassadors.

IV. Ministers to foreign countries.

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* The President's salary cannot be increased or diminished during his term of office.

† In 1801 and 1825. Who?

‡ Richard M. Johnson was elected Vice-President by the Senate in 1837. This is, thus far, the only instance.

V. Consuls.
VI. Judges of the U. S. Supreme Court.
VII. Judges of the U. S. Circuit Courts.
VIII. Judges of the District Courts.
IX. Postmasters.
And many other officers.

What class of officers in the State performs nearly the same duties as the Cabinet officers in the Nation?

Those classed as "Administrative," on page 61; in the State they are elected by the people; in the Nation they are appointed by the President.

THE CABINET.

What are some of the Duties of the Cabinet officers?

I. The Secretary of State, at the head of the State Department preserves the public archives, records, laws, arguments and treaties, and supervises their publication; conducts all business and correspondence arising out of foreign relations; makes out and records passports, commissions, etc.

II. The Secretary of the Treasury, at the head of the Treasury Department, receives and has charge of all moneys paid into the United States Treasury; has general supervision of the fiscal transactions of the Government, the collection of revenue, the auditing and payment of accounts and other disbursements; supervises the execution of the laws relating to Commerce and Navigation, the Revenues and Currency, the Coast Survey, the Mint and Coinage, the Lighthouse Establishments, Custom Houses, etc.

III. The Secretary of War, at the War Department, has charge of business growing out of military

affairs; keeps the records of the army; issues commisions; directs the government of troops; superintends their payment, stores, clothing, arms, equipments and ordnance; constructs fortifications and conducts works of military engineering, river and harbor improvements.

IV. The Secretary of the Navy, at the head of the Navy Department, has charge of the Naval establishments and all business connected therewith; issues Naval commissions, instructions and orders; supervises the enlistment and discharge of seamen, the construction of Navy Yards and Docks, the construction and equipment of vessels, Coast Surveys, etc.

V. The Secretary of the Interior, at the head of the Department of the Interior, has charge of the survey, management, sales and grants of Public Lands; the examination of Pension and Bounty Land claims; the management of Indian affairs; the award of Patents; the distribution of Seeds and Plants; the taking of Censuses; the management of Government mines, etc. The Bureau of Education is a branch of this department.

VI. The Postmaster General at the head of the Post-office Department, has charge of the Postal System; the establishment and discontinuance of Post-offices; the appointment of Agents; the contracts for carrying the mails, etc.

VII. The Attorney General, at the head of the Department of Justice, is the legal adviser of the President and members of the Cabinet; examines titles, applications for pardons, and judicial and legal appointments; conducts and argues suits in which the Government is concerned, etc.

VIII. THE SECRETARY OF AGRICULTURE, whose duty it is to promote the agricultural interests of the country.

What are the Salaries of the members of the Cabinet?

$8,000 a year.

Name the present Cabinet officers. *See page vi.*

AMBASSADORS, MINISTERS, AND CONSULS.

What is an Ambassador?

An Ambassador is a minister of the highest rank, appointed to represent the interests of a country at the court or seat of government of some other country. He is sometimes called Ambassador or Minister *ordinary.*

What is a Minister Plenipotentiary?

A Minister Plenipotentiary is an Ambasador or Envoy, invested with full powers to negotiate a treaty, or do some other special business, without being a permanent resident of such country. Under such circumstances, he is called Ambassador *extraordinary.*

What is a Consul?

A person commissioned to reside in a foreign country as an agent or representative of a government, to protect the rights, commerce, merchants, and seamen of the country, and to aid in commercial and sometimes in diplomatic transactions with such foreign country.

Name a few of the highest Salaries paid Ministers.

The ambasadors to Great Britain, France, and Germany, and the ministers to Russia and Mexico receive $17,500 each. The ambassador to Rome, and the Ministers to Brazil, Spain, China and Japan, receive $12,000 each. The ministers to Austria, Turkey, Argentine Republic, Chili, Colombia, Gautemala, Nicaraugua, and Peru, get $10,000.

CONGRESS.

A FEW COMPARISONS BETWEEN THE STATE AND NATIONAL GOVERNMENTS.

Name a similarity in Divisions between the State and the National governments.

Each has 3 divisions, the Legislative, Executive, and Judiciary.

Name a similarity in the Legislative department.

Each has 2 branches. In **New York** they are called Assembly and Senate; in the National government they are called House of Representatives and Senate. The Assembly and House of Representatives each elect their own Speaker; the State Senate is presided over by the Lieutenant Governor; the National Senate is presided over by the Vice-President.

What is the number of Members in each at the present time?

In the Assembly there are 150; in the House of Representatives, 357; in the State Senate, 50; in the National Senate, 90.

How do their Terms of office compare?

The members of the Assembly are elected for 1 year, of the House of Representatives for 2 years; of the State Senate for 2 years, of the National Senate for 6 years.

THE TWO HOUSES OF CONGRESS.

Of what Divisions does Congress consist?

Of the Senate and the House of Representatives.

How many Members has the Senate?

The Senate has twice as many members as there are States in the Union.

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THE HOUSE OF REPRESENTATIVES.

How many Members has the House of Representatives?

The House of Representatives consists of such a number as Congress shall decide upon and name, after the taking of each national census; and this number continues for the next ten years, unless increased by the admission of new States, each new State being entitled to one or more members.

The following table shows the ratio of representation in the House of Representatives, through the several decades to the present time.

1789....	ratio,	30,000....	number of members,	65.
1793....	"	33,000....	" "	106.
1803....	"	33,000....	" "	142.
1813....	"	35,000....	" "	181.
1823....	"	40,000 ...	" "	213.
1833....	"	47,700....	" "	240.
1843....	"	70,680....	" "	223.
1853.. .	"	93,420....	" "	234.
1863....	"	127,316....	" "	242.
1873....	"	131,425....	" "	293.
1883....	"	154,000....	" "	325.
1896....	"	154,000....	" "	357.

The present number 356 is apportioned as follows: first column showing the number of Representatives, second column, the number of Presidential electors.

Alabama.... .... 9..11	Maine..... ... 4.. 6	Ohio.....21..23
Arkansas..... 6.. 8	Maryland..... 6.. 8	Oregon.... ..... 2.. 4
California..... 7.. 9	Massachusetts...13..15	Pennsylvania .. .30..32
Colorado.... . . 2.. 4	Michigan.....12..14	Rhode Island.... 2.. 4
Connecticut..... 4.. 6	Minnesota..... ... 7.. 9	South Carolina.. 7.. 9
Delaware..... 1.. 3	Mississippi..... 7.. 9	South Dakota... 2.. 4
Florida.... ..... 2.. 4	Missouri.... .....15..17	Tennessee.....10..12
Georgia.... .....11..13	Montana.... .... 1.. 3	Texas..... .....13..15
Idaho.... .... 1.. 3	Nebraska..... 6.. 8	Utah....., 1.. 3
Illinois.....22..24	Nevada..... .... 1.. 3	Vermont.... .... 2.. 4
Indiana.....13..15	New Hampshire. 2.. 4	Virginia.....10..12
Iowa..... ....11..13	New Jersey..... 8..10	Washington..... 2.. 4
Kansas.... ..... 8..10	New York.....34..36	West Virginia... 4.. 6
Kentucky.....11..13	North Carolina.. 9..11	Wisconsin.....10..12
Louisiana....., 6.. 8	North Dakota... 1.. 3	Wyoming..... 1.. 3

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The congressional districts of New York under the apportionment of 1892 are as follows :—

I. Suffolk, and Queens.

II. Wards 1, 2, 5, 6, 7, 11, 20 of Brooklyn.

III. Wards 4, 3, 10, 22, 9, 23 of Brooklyn, with the town of Flatbush.

IV. Wards 12, 8, 24, 25, 26 of Brooklyn, together with New Utrecht, Gravesend, and Flatlands.

V. Wards 18, 19, 21, 27, 28 of Brooklyn.

VI. Wards 13, 14, 15, 16, 17 of Brooklyn.

VII. The county of Richmond, together with Assembly districts 1 and 5 of New York.

VIII. Assembly districts 2, 3, 7 of New York.

IX. Assembly districts 4, 6, 8 of New York.

X. Assembly districts 9, 13, 15 of New York.

XI. Assembly districts 10, 20, 14 of New York.

XII. Assembly districts 11, 16, 18 of New York.

XIII. Assembly districts 17 and 20, and that portion of Assembly district 21 below the centre of 59th street, New York.

XIV. Assembly district 19, and that portion of Assembly district 21 between the centre of 59th street and the centre of 79th street, and that portion of Assembly district 22 below the centre of 79th street, New York.

XV. That portion of Assembly district 21 between the centre of 79th street and the centre of 86th street, and that portion of Assembly district 22 above the centre of 79th street, and Assembly district 23, New York.

XVI. Assembly district 24, New York, and the county of Westchester.

XVII. Rockland, Orange, and Sullivan counties.

XVIII. Putnam, Dutchess, and Ulster.

XIX. Columbia, and Rensselaer.

XX. Albany.

XXI. Greene, Schoharie, Otsego, Montgomery, and Schenectady.

XXII. Fulton, Hamilton, Saratoga, and St. Lawrence.

XXIII. Clinton, Franklin, Essex, Warren, and Washington.

XXIV. Oswego, Jefferson, and Lewis.

XXV. Oneida, and Herkimer.

XXVI. Delaware, Chenango, Broome, Tioga, and Tompkins.

XXVII. Onondaga, and Madison.

XXVIII. Wayne, Cayuga, Cortland, Ontario, and Yates.

XXIX. Chemung, Seneca, Schuyler, and Steuben.

XXX. Niagara, Livingston, Wyoming, Genesee, and Orleans.

XXXI. Monroe.

XXXII. Wards 1-14, 19, 20 of Buffalo.

XXXIII. Wards 15-18, 21-25 of Buffalo, and Assembly districts 4 and 5 of Erie, said District 4 including Ward 25 of Buffalo.

XXXIV. Chautauqua, Cattaraugus and Allegany.

THE CONGRESSIONAL DISTRICTS
—OF THE—
STATE OF NEW YORK,
ACCORDING TO THE APPORTIONMENT OF 1892.
Copyright, 1892, by C. W. Bardeen, Syracuse, N. Y.
DIVIDED COUNTIES
(A = Assembly District of N.Y. City)
(B = Ward of Buffalo.)
(K = Ward of Brooklyn.)
I. W. 1, 2, 5, 6, 7, 11, 20.
II. W. 3, 4, 9, 10, 22, 23, Flatbush, 27, W. 8, 12, 24, 26, 35, New Utrecht, Gravesend, Flatlands.
III. W. 18, 19, 21, 27, 28.
VI. W. 13-17.
VII. Richmond Co., and A. 1, 5.
VIII. A. 2, 3, 7.
IX. A. 4, 6, 8.
X. A. 9, 13, 15.
XI. A. 10, 14, 20.
XII. A. 11, 16, 18.
XIII. A. 17, 20, 21 below 59th St.
XIV. A. 19, 21 from 45th to 79th Sts., 22 below 79th St.
XV. A. 21 from 79th to 86th Sts., 22 above 79th St., 23.
XVI. A. 24, Westchester County.
XXII. B. 1-14, 19, 20.
XXIII. B. 15-18, 21-25, and 4th and 5th Assembly Districts of Erie.
New York, 7-16.
SCHOOL BULLETIN PUBLICATIONS
1874
Rand, McNally & Co., Engravers, Chicago.

How are members of the House of Representatives Elected?

They are elected every even year by the voters of the several States, the voters of each Congressional District electing one member.

What is their Term of office?

The term of office is 2 years, and begins on the 4th of March following the election.

What is a Congressman-at-Large?

He is a member elected by the voters of the entire State.

After a new apportionment by Congress, some States will have a larger number of Representatives than during the preceding decade. For instance, New York had *one* additional Representative by the apportionment of 1882. The Legislature failed to *re-district* the State in 1882, and as there were but 33 Congressional districts to elect 34 Representatives, one had to be elected by the voters of the entire State.

Had there been *two* additional Representatives, there would have been two Congressmen-at-Large at the election of 1882.

The State is now *re-districted*, and there are as many districts as there are Representatives. See page 101.

What special Qualifications must a Representative possess?

I. He must be 25 years of age, an inhabitant of the State in which elected, and 7 years a citizen of the United States.

NOTE:—By the term *citizen* here is meant, that an alien must have been naturalized 7 years before he can hold this office.

II. He cannot hold any other office under the United States during his continuance in this office.

III. He shall not be appointed to any civil office under the authority of the United States, which shall have been *created,* or the emoluments of which shall have been *increased,* during his term of office.

How are Vacancies in this office filled?

By special election in the district in which the vacancy exists; such election being ordered by the Governor of the State.

NOTE.—The person elected at such special election serves only for the unexpired term.

What are some of the Duties of Representatives?

I. To take the oath of office. (See page 145.)

NOTE.—The oath is administered to the members before taking their seats, by the last Clerk of the House of Representatives, whose duty it is to act as presiding officer until a Speaker shall be elected.

II. To elect from their number a presiding officer, who is called "Speaker."

III. To elect from outside their number other officers, as Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster.

IV. A majority constitute a quorum for doing business; judge of the elections, return, and qualifications of their own members; compel the attendance of absent members; determine their own rules of proceedings; punish members for disorderly behavior; and expel a member by a two-thirds' vote.

V. They may not adjourn for more than three days, or to any other place than that in which the Senate also is sitting, without the consent of the Senate. The same rule applies to Senators.

VI. To have co-ordinate jurisdiction with the Senate in enacting laws.

VII. To have the sole power of originating impeachments.

NOTE.—An impeachment is a specific accusation (and is in the form of an indictment) against a public officer, charging him with a crime or misdemeanor sufficient to put the accused on trial at the bar of the Senate. When a majority of the members of the House has impeached an officer, it appoints a committee to lay the whole matter before the Senate, and to represent the House in its prosecution. The duties of the House of Representatives end here.

VIII. All bills for *revenue* must originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

IX. To select a President of the United States, when the electors fail to elect one. (See pages 91–92.)

This has occurred twice. Thomas Jefferson was elected in 1801, and John Quincy Adams in 1825. (See page v.)

How are Territories represented?

Each Territory is entitled to one delegate, who has the privilege of presenting the claims of his Territory; but has no vote. (See page 73.)

THE SENATE.

How are United States Senators elected?

By the Legislatures of the several States, for a term of 6 years.

NOTE.—When a Senator is to be elected, each body of a Legislature by a *viva voce* vote of each member present on the second Tuesday after the meeting and organization thereof, names a candidate for Senator.

The two houses meet in joint assembly, the day following, and if the same person has received a majority of all the votes cast in each house (a quorum being present) he is declared duly elected Senator of the United States.

If no person has received such majority, then the joint assembly proceeds by *viva voce* vote to elect a Senator, and continues to vote at least once each day during the session, or until a Senator shall be elected. For manner of *viva voce* voting see page 56.

How were Senators Classified according to the Constitution, at the first meeting?

I. There were only 19 Senators at the opening. The names of 6 were put into one class, 7 into another, and 6 into another.

II. No two Senators' names from the same State were put into one class.

III. Three papers of equal size numbered one, two, and three, were rolled up and put into a box, and drawn by a committee of three persons chosen for this purpose in behalf of the respective classes in which each of them was placed.

IV. Senators of the first class were to vacate their seats in 2 years; of the second, in 4 years; of the third, in 6 years.

V. By a resolution of Congress in 1789, it was decided that when Senators take their seats from States that have not before appointed Senators, they shall be placed by lot in the foregoing classes in such manner as shall keep the classes as nearly equal as may be in numbers.

VI. Two or four years will intervene between two successive expirations of Senatorial terms in any State.

What special Qualifications must a Senator possess?

I. He must be 30 years of age, an inhabitant of the State in which elected, and 9 years a citizen of the United States.

II. He must be free from the restrictions in regard to holding office heretofore given for Representatives.

What are they?

How are Vacancies in this office filled?

I. If a vacancy occurs during the recess of a Legislature of any State, the Governor of such State may make

a temporary appointment, which will expire at the meeting of the Legislature.

II. If the Legislature of a State be in session at the time a vacancy occurs, the Legislature will proceed to fill such vacancy by voting as in the case of a full term.

NOTE.—The person elected to fill a vacancy serves only for the unexpired term.

DUTIES.

What are some of the Duties of Senators?

I. To take the oath of office. (See page 145.) The oath will be administered by the Clerk of the Senate.

II. To elect their Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster. These officers are not members of the Senate.

III. Sections IV., V., and VI., under duties for Representatives, apply to Senators likewise. What are they?

IV. The Senate, sitting as a court, has sole power to try all impeachments.

NOTE 1.—The Chief Justice shall preside when the President of the United States is being tried.

NOTE 2.—It requires two-thirds of the members present to concur in order to convict.

Compare pp. 57, 58, 105.

NOTE 3.—The following persons have been tried by this Court:

1. William Blount, United States Senator from Tennessee was impeached by the House of Representatives in 1797, tried by the Senate, and *expelled*. The charge was "That he had intrigued when Governor of the Territory, to transfer New Orleans and the neighboring districts, then belonging to Spain, to Great Britain, by means of a joint expedition of English and Indians."

2. John Pickering, District Judge, N. H., was impeached by the House of Representatives in 1803. Senate failed to convict.

3. Samuel Chase, Associate Justice, was impeached, tried by the Senate in 1805, and discharged.

4. James H. Peck, District Judge, Missouri, was impeached, tried by the Senate, in 1830, and discharged.

5. The impeachment (or indictment) of Andrew Johnson in 1868, consisted of 11 articles or counts. Only three of those articles or counts were

acted upon, the vote standing 34 for conviction, and 19 against. He was not convicted. Repeat the provisions of the Constitution as to impeachments, pages 115 and 116.

V. To ratify or reject treaties proposed by the President of the United States, two-thirds of the Senators present concurring. (See page 140.)

VI. To confirm or reject appointments made by the President. (See page 95.)

VII. To elect a Vice-President of the United States in case the electors fail so to do. (See page 91.)

VIII. To elect a President *pro tempore*. This is usually done at the close of the first *Executive Session* of the Senate after the inauguration of the new Vice-President, so that if the Vice-President should be called upon to perform the duties of President, the Senate would not be without a presiding officer. (See page 92.)

IX. The President *pro tempore* of the Senate may *act* as Vice-President, in case of a vacancy, but can *never be in fact* a Vice-President, because the President *pro tempore* may be less than 35 years of age, or born in a foreign country, and consequently may be ineligible to the office of Vice-President.

NOTE.—For further legislative powers, such as levying duties, coining money, fixing the standard of weights and measures, establishing post-offices and post-roads, inferior courts, punishment of piracies, etc., see page 119.

How are Congresses named?

By ordinal number. The 51st Congress will come into power March 4, 1889, and at the close of two years will be followed by the 52d Congress, a new Congress succeeding to power every two years.

When does Congress meet?

The Constitution provides that Congress shall meet the first Monday in December, in each year; consequently, there can be no session of a *new Congress* until that time, unless ordered by the President.

The *first* regular session of a Congress may continue a full year. The *second* regular session must close on the third of March, at which time the term of the members of the House of Representatives expires.

What is meant by the Senate having Executive Sessions?

I. An executive session is for the purpose of ratifying treaties, confirming appointments made by the President, etc.

II. It is a meeting of the Senate only, and is sometimes called by the President when Congress is not in session. At the commencement of a presidential term, the Senate is convened for the purpose of confirming the Cabinet and other appointive officers.

May the Presiding Officers vote

I. The Speaker of the House of Representatives, being a member of the House, is always entitled to a vote upon any question.

II. The Vice-President not being a member of the Senate, is entitled to vote only in case of a tie in the Senate.

III. The President *pro tempore*, as presiding officer, is entitled to vote upon all questions, because he is a member of th Senate. (Compare page 58.)

What are the Salaries of Congressmen?

I. The Speaker of the House receives a salary of $8000.

II. The President *pro tem.* of the Senate receives a salary of $8000.

III. Senators, Representatives, and Delegates (see page 73) receive $5000 a year, and 20 cents a mile for travel in going to and returning from Washington.

What are the Standing Committees of Congress?

I. Both houses have standing committees, among which are the following: Ways and Means, Foreign Relations, Finance, Appropriations, Judiciary, Commerce, Military Affairs, Naval Affairs, Indian Affairs, Elections, Banking and Currency, Railroads, etc.

II. These committees are appointed in the House of Representatives by the Speaker; in the Senate, by the members of the Senate.

III. Each committee has a chairman and secretary: the chairman of any committee, by a law of 1863, is empowered to administer oaths to witnesses in any case under consideration.

IV. Special committees are appointed for the examination of special cases.

V. The object of having committees is to expedite business: bills and matter pertaining to a particular subject are referred to the committee having that subject in charge; the committee investigates, and reports in proper form to the House or the Senate as the case may be.

COMMITTEE OF THE WHOLE.

Explain the manner in which a deliberative body is resolved into a Committee of the Whole.

I. A member of the House of Representatives, Senate, or any other deliberative body, moves that that

body resolve itself into a Committee of the Whole for the consideration of a particular subject: if carried, the Speaker or presiding officer leaves the chair, naming some member to take his place as chairman.

II. The Speaker or presiding officer becomes a member of the committee, and can take part in the debate as other members.

III. The Committee of the Whole cannot conclude any business and cannot adjourn.

IV. When the discussion is completed, some member moves that the Committee of the Whole do "now rise"; whereupon the Speaker resumes his place in the chair, and the chairman reports to him the business which was transacted in the Committee of the Whole.

V. If the House or any other body while in Committee of the Whole desires to adjourn, *it rises*, and only after the chairman "reports progress" to the Speaker is a motion to adjourn in order.

VI. The object of going into a Committee of the Whole is to get rid of those rules which hinder and retard free debate.

CONSTITUTIONAL PROVISIONS.

NATURALIZATION.

Explain the process of Naturalization.

I. Aliens, persons born in other countries, may become citizens in five years after coming to this country by complying with certain rules.

II. They must make a declaration of intention on oath before a court of competent jurisdiction, desiring to become citizens, except as in Sec. V, and except where an alien became resident in the U. S. before arriving at the age of 18 yrs.

NOTE.—A circuit or district court of the United States, or a district or supreme court of Territories, or a court of record of any of the States having common law jurisdiction, is a court of competent jurisdiction.

III. Five years must have elapsed after a foreigner becomes a resident, and two years after a declaration of intention as above, before he can become a citizen. At this time he must take the oath of allegiance.

IV. The oath of allegiance must be preceded by the oath of other witnesses—to the 5 years' residence, and good moral character of the applicant.

V. An exception to this is, that an alien soldier having served in the Union Army one year and having obtained an honorable discharge, may become a citizen of the United States on making oath to these facts and taking the oath of allegiance.

VI. When a foreigner becomes naturalized, his children under 21 years of age, if residents of the United States at the time, become citizens without further formality.

VII. If a foreigner makes his declaration of intention to become a citizen of the United States, and dies before the time to become fully naturalized, his wife and children become citizens at that time, on taking the oath of allegiance.

HABEAS CORPUS

What is a writ of Habeas Corpus?

I. An instrument in writing issued by a judge, commanding the sheriff or whoever has the prisoner in charge, to bring him before the judge.

II. The case is not tried, but the judge simply examines the case to see whether the imprisonment is lawful;

that is, whether any crime is charged, or whether there is any proper complaint, or commitment.

III. If the prisoner be lawfully held, he may send him back to prison, or if unlawfully held, release him.

IV. This famous writ protects the rights of personal liberty by causing the case of the person under arrest to be examined by a competent judge.

V. The privilege of this writ shall not be suspended, unless, when in cases of rebellion or invasion, the public safety requires it. (See page 137.)

NOTE.—The writ of *habeas corpus* was suspended by President Lincoln, May, 1861; in December of the same year, Congress passed an act approving the action of the President, and authorizing the suspension of the writ as long as he should deem it necessary.

EX POST FACTO LAWS.

What is an Ex Post Facto Law?

An Ex Post Facto Law, as defined by the Supreme Court of the United States, is one which renders an act punishable in a manner in which it was not punishable when the act was committed. For this and other prohibitions, see pages 137 and 138.

TREASON.

What is Treason?

I. Treason against the United States consists in levying war against them, or in adhering to their enemies, giving them aid and comfort.

II. A conviction requires the testimony of two witnesses to the same overt act, or a confession in open court.

III. The trial for treason will be conducted in all respects like any other criminal trial for a capital offence.

V. The penalty may be death, but by an act of Congress July 17, 1862, the punishment is discretionary

with the Court, and may be imprisonment for not less than five years, and a fine of not less than $10,000.

NOTE.—No person has ever been convicted of treason in the United States. Jefferson Davis was captured May 10, 1865, and placed in Fortress Monroe, May 19, where he was confined for two years. In May, 1867, he was brought before the United States Circuit Court at Richmond on a *charge of treason*, and was admitted to bail. In December, 1868 he was discharged.

POLITICAL DISABILITIES.

What persons were deprived by the Fourteenth Amendment from holding any civil or military appointment under the United States?

I. Those who, having taken an oath as a member of Congress, or

II. As an officer of the United States, or

III. As a member of any State Legislature, or

IV. As an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in the insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. (See page 151.)

How were these Disabilities removed?

I. By laws enacted by Congress to that effect by a two-thirds' vote.

II. By the same being proclaimed by the President in the several amnesty proclamations of May 29, 1867, in which fourteen classes of persons were excepted, followed by other proclamations dated September 7, 1867; July 4, 1868; December 25, 1868.

NOTE.—The last one was as follows: "I do hereby proclaim and declare, unconditionally and without reservation, to all and to every person who directly or indirectly participated in the late insurrection or rebellion a full pardon and amnesty for the offence of treason against the United States."

AMENDMENTS.

How may Amendments be made to the Constitution?

I. Whenever two-thirds of both houses of Congress

shall deem it necessary, they may prepare amendments, which shall become binding when ratified by the Legislatures of three-fourths of the States.

NOTE.—The above is the usual way.

II. On application of the Legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments, which must be ratified in conventions held by three-fourths of the States.

III. A prohibition in regard to amendments is that no State without its consent shall be deprived of its equal suffrage in the Senate. (See page 144.)

NOTES ON NATURALIZATION.

I. All persons born in this country are citizens.

II. Children under 21 years of age, born in other countries, become naturalized by the naturalization of the father.

III. When a foreigner has lived in this country *three years* and has made application to become a citizen, and the application is on file in the office of the Secretary of State, he is then entitled to hold lands by deed and convey the same lawfully: he is also entitled to vote at school meetings, but for no other officers until fully naturalized.

IV. Any woman, who might lawfully be naturalized under the existing laws, *married*, or *who shall be married to a citizen* of the United States, shall be deemed and taken to be a citizen.

MISCELLANEOUS QUESTIONS.

The following questions and answers are given for the purpose of keeping some of the more difficult points before the minds of the advanced students.

What is a Quorum?

A *majority* of either body in the Legislature or in Congress constitutes a quorum for doing business. See pp. 56, 104.

Where do Bills originate?

Bills may originate in either house of the Legislature; but in Congress, all bills for raising revenue must originate in the House of Representatives: yet the Senate may propose or concur with amendments as on any other bills. See pp. 56, 133.

Who are Members of the Court of Impeachment?

The State Senators or a majority of them, the Judges of the Court of Appeals, or a majority of them, and the Lieutenant Governor. The United States Senate is also a court of impeachment. See pp. 58, 107.

Who may grant Reprieves and Pardons? *See pp. 63, 94.*

What is an Ex-post Facto Law? *See page 113.*

What is a Writ of Habeas Corpus? *See pp. 112, 154.*

What is Treason? *See page 113.*

NOTE.—A difficulty existed between Aaron Burr and Alexander Hamilton, growing out of a political controversy which culminated in a duel, fought July 11, 1804, in which the latter was killed. Burr was disfranchised by the laws of New York, for having fought a duel, and was indicted for murder in New Jersey. His term of office as Vice-President closed March 4, 1805. In

April he started on a tour through the western country, and was suspected of being engaged in a scheme of forming a new government on the borders, and perhaps partly within the United States.

His proceedings excited alarm, and Nov. 27, 1806, President Jefferson issued a proclamation against him; being arrested in Alabama, Feb. 19, 1807, he was brought to Richmond, Va., for trial for high treason. The trial commenced March 27, and lasted till Sept. 7. No overt act of treason was proven, and the verdict of the jury was "Not Guilty under the Indictment."

What was Attainder?

In old English law, the extinction of civil rights, and the forfeiture of estate which followed, when a person was condemned to death for treason or felony, or when judgment of outlawry had been pronounced against him for not appearing to answer to a capital crime.

What was a Bill of Attainder?

It was a *legislative* conviction for alleged crimes with judgment of death.

It is forbidden by our Constitution. See page 137.

What are letters of Marque and Reprisal?

They are commissions issued by a government to private persons, authorizing them to seize the property of a foreign nation or its subjects, as a reparation for some injury. Congress has exclusive power to grant them. See page 135.

What is Capital Punishment?

It is punishment by death, and is inflicted as a penalty for murder, treason, and arson in the first degree.

What is Arson?

It is *maliciously* burning any dwelling-house, shop, or any building, the property of another.

NOTE.—The burning of an inhabited dwelling in the night-time is arson in the *first degree.*

What is Burglary?

It is forcibly breaking into and entering in the *night-time* the dwelling-house of another with intent to commit a crime.

What is Larceny?

It is wrongfully taking of another's personal property, with the intent to deprive him of it permanently.

NOTE.—If the property taken amounts to twenty-five dollars and upwards, the crime is *grand larceny*, and is a state's prison offence. If less than twenty-five dollars (unless second offence), it is *petit larceny* and is punishable by fine or imprisonment in jail or both.

What is Slander?

Slander is a *false* statement about another, which injures him in his reputation or business. If the person slandered proves that he has been damaged, the slanderer may be compelled to pay heavy damages. A person is liable for *repeating* a slander, the same as though he originated it.

What is Libel?

A libel is a *false* publication in print or writing, signs or pictures, tending to injure a person in his reputation or business, or to expose him to public hatred, contempt, or ridicule. A person may be liable for heavy damages for words printed or written, for which he would not be liable if merely spoken, because of their wider circulation.

What is Forgery?

Forgery consists in *falsely* making, counterfeiting, or altering any instrument in writing with intent to defraud.

What is Counterfeiting?

Counterfeiting is the general term for making false coin and paper money, or passing it.

What is Bribery?

Bribery is the offering money or other reward, or accepting money or some other reward for the purpose of influencing votes, for securing anything against justice. See Cons. of New York, page 158.

What is Perjury?

Perjury is stating material matter *falsely*, under the solemnity of a legal oath.

What is Robbery?

Robbery is the taking of personal property from another in his presence and against his will by violence, or by putting him in fear of immediate injury to his person.

What is Bigamy?

The crime of bigamy consists in a man's having two or more living wives at the same time, or a woman's having two or more living husbands at the same time. Where done openly by a class professing to consider it right, it is called polygamy, or polyandry.

What is Murder?

Murder is the killing of a human being deliberately and maliciously, and with intent to effect death.

NOTE.—The law specifies different degrees of murder. Murder in the first degree is punishable by *death;* in the other degrees, by *imprisonment* for longer or shorter times.

What is Embezzlement?

Embezzlement consists in fraudulently taking what is intrusted to one by another, with intent to apply to one's own use; and is usually punishable in the same manner as larceny of the same amount.

Who are Accessories to a crime?

Persons who advise, procure, or command a person to commit a crime, are said to be *accessories before the fact;* those who conceal an offender knowingly, or who give aid to prevent his being brought to punishment, are said to be *accessories after the fact.*

What is a Felony?

A heinous crime: a crime punishable by death or imprisonment in state prison is a felony.

What is giving Bail?

Giving bail consists in a person (called a bondsman) giving a bond by which he agrees to pay the State a certain sum of money in case the prisoner does not appear when wanted for trial.

NOTE.—After the bond is executed the prisoner is released until trial.

What is said of Excessive Bail? See pp. 147 and 154.

What is said of Trial by Jury? See pp. 131 and 136.

What is said of the Grand Jury? See pp. 75, 76, 144, and 154.

What class of people can be Naturalized, and what is the process? See pp. 111 and 112.

What are the Qualifications for members of the House of Representatives? See page 103.

For United States Senators? See page 106.

For the Legislature of New York? See page 54.

How are Vacancies filled in the House of Representatives? See page 104.

How are Vacancies filled in the United States Senate? See page 106.

What officers have no Vote except in case of a Tie? See pp. 115 and 174.

Who Presides in a court of impeachment, and how many of the members must concur in order to convict? See pp. 58 and 107.

How far can judgment in cases of impeachment extend? See pp. 58 and 132.

How many impeachments have been tried by the United States Senate? See page 107.

NOTE.—William Blount is the only person that has been convicted in that court.

What Privileges, as individuals, have members of Congress or State Legislators? See pp. 133 and 167.

What is a veto? See pp. 134 and 175

In what time must a bill be returned by the President or Governor? See pp. 57, 134, 176.

How can a bill be passed after having been vetoed by the President or Governor? See pp. 134 and 171.

What are the Powers of Congress? See pp. 135, 136.

NOTE.—There are seventeen of them: the student can learn two or more of them each day.

What are the general Prohibitions of Congress? See pp. 136 and 137.

NOTE.—There are seven in number: learn the substance of them.

What are the Prohibitions upon States? See pp. 137 and 138.

NOTE.—There are three in number: learn the substance of them.

How many Electors of President and Vice-President are there at present? and how long will the present number remain?

As many as there are Representatives and Senators in Congress. See pp. 99 and 100.

What are the Qualifications required for the offices of President and Vice-President? See page 93.

What are the Qualifications for the offices of Governor and Lieutenant Governor? See page 62.

How is a Vacancy in the office of President filled? See pages 92 and 93.

How is the Vacancy in the office of Governor filled? See page 63.

What Officers under United States government can be impeached? See page 141.

What officers under the State government can be impeached? See page 188.

What are some of the Duties of the President? See pp. 94, 140, 141.

What are some of the Duties of the Governor of New York? See pp. 63, 172–174.

What United States Court is both original and appellate, and in what cases? See page 142.

What United States Courts have original jurisdiction? See pp. 85 and 86.

What Jurisdiction have the various Courts in the State? See pp. 79 and 83.

The Supreme Court has both *original* and *appellate* jurisdiction.

By what authority and in what way are new States admitted, and new Territories organized? See pp. 71 and 72.

How are Amendments made to the United States Constitution? See page 114.

How are Amendments made to the State Constitution? See page 215.

How many Articles in the original Constitution of the United States? See page 149.

How many Amendments have been made to it? When were the last three made? Give some reasons for the incorporation of the 13th, 14th, and 15th amendments. See pp. 146–151.

How many Articles in the State Constitution? See page 215.

GENERAL PRINCIPLES OF GOVERNMENT.

Upon what is Government founded?

Justice is the fundamental law which both the people and the government are under obligation to obey.

NOTE.—The single precept, the Golden Rule, "Therefore all things whatsoever ye would that men should do to you, do ye even so to them," if followed would make all constitutions and statue laws harmonize with Divine teachings.

What are the three principal Forms of government?

The people of the world would have usually arranged themselves under one of the three following forms of government, namely:

1. Monarchy: government by a single person.
2. Aristocracy: government vested in the nobles, or principal persons of the State.
3. Democracy: government by the people.

NOTE 1.—When a monarch has unlimited power his rule is said to be *absolute*. When a constitution or statute law restrains his actions, the monarchy is said to be *limited*.

NOTE 2.—The government called aristocracy prevailed in Europe during the middle ages. Its outgrowth is seen at the present time in the grades of nobility in England. Feudalism was the parent of aristocracy. The successive advances of civilization have caused the practical disappearance of this form of goverment.

NOTE 3.—When the voters of a school district assemble as a body to transact business matters, this government is called a *pure democracy*. The same is true of a town meeting. When the laws are made by representatives elected by the people, the government is called a *representative democracy* or *representative*. E. g., the State; the United States.

NOTE 4.—The three forms are blended in the English government. Thus monarchy is represented by the Queen; aristocracy by the House of Lords; democracy by the House of Commons.

NOTE 5.—Monarchs generally inherit their ruling power from the father, and are called hereditary monarchs. A few are elected, usually by high officials, and are called elective monarchs.

NOTE 6.—The government of the ancient Hebrews was a Theocracy.

What is the Unit of Government in New York?

In New York the town is the unit of government.

NOTE.—Local governments were incorporated on Long Island as early as 1652, under patents issued by Gov. Stuyvesant, later by Gov. Nicoll. A great number of patents were issued by the several governors; trustees were appointed to carry out the provisions of the patent or charter. Later on these local patents were merged into town governments. In 1676, the following Dutch towns appeared on the assessment roll of Long Island, viz.: Middlewout, Brenkelen, Boswyck, New Utrecht and Arnsfort.

Seven years after these towns are mentioned as above, the Colony of New York was divided into counties (1683).

In 1777, the Colony of New York assumed a State government under the constitution. See p. 18.

The thirteen Colonies became a Nation under the Constitution (1788). Congress appointed the first Wednesday in March, 1789, as the commencement of the Constitutional period. See pp. 8 and 9.

THE CONSTITUTION.

How did the States agree upon a National Constitution?

By a series of compromises between the larger and the smaller States, in regard to representation, taxation, and the different powers of government.

What were the points at issue?

Under the Confederation, all States were equally represented in Congress; hence the smaller States disliked to give up the power formerly held by them; the larger States claimed that political power should depend upon population, or upon population and property.

What Compromise was made?

That there should be two branches of Congress: a House of Representatives, based on population; and a Senate, based on equality of representation, each State large or small being represented by two Senators.

NOTE.—It will be seen that the smaller States yielded the point that population should be the basis of representation in the House, the larger States finally consenting to an equality of representation in the Senate.

What made the Population question more difficult?

The population problem was more difficult on account of slavery, there being more slaves in the south than in the north. It became a sectional question; but as direct taxation was based upon population, and as there was a prospect that the government would be supported largely by direct taxation, the phrase, "three-fifths of all other persons" (which meant that five slaves should be counted as three persons), was approved of as favoring the south in representation, and the north in regard to direct taxation. It was agreed that there should be no interference with the foreign slave trade prior to 1808, as favoring the south; and as favoring the north that a tax not exceeding ten dollars might be imposed on each slave imported. Upon this basis the compromise was affected.

NOTE 1.—The slave trade was abolished in 1808, and slavery itself, by constitutional amendment in 1865; hence negroes are now counted as white persons are, for both representation and taxation.

NOTE 2.—The smaller States retained their equality with the large States by equality in the Senate as follows: (1) Equal representation in law-making. (2) Equal representation in the selection of a Vice-President, when the people fail to elect; as in the case of Richard M. Johnson, who was elected Vice-President by the Senate in 1837. Johnson received 147 electoral votes, one less than a majority. (3) Equal power in that part of the Electoral College which is based upon the number of Senators. (4) Equal power in the confirmation of appointments and ratification of treaties.

NOTE 3.—The smaller States retained their equality in the House of Representatives in the matter of electing a President, when the people failed to elect as in 1801, 1825; each State having a single vote in those elections.

QUERY.—Did the several States relinquish all their former rights?

NOTE 4.—Under the Constitution, Delaware, Rhode Island, and several other States have each three electors for President and Vice-President:—each having one-twelfth as much power in the Electoral College as New

York. In the popular vote Delaware has at present about one-seventieth as much power as New York. Hence the plan of electing a President under the Constitutional provision gives a small State far greater power in proportion to its population than if the ballots were cast directly for President and Vice-President.

NOTE 5.—The principles or foundation laws which govern a state or nation are embodied in written documents called Constitutions. Constitutions are the foundations for all Statute laws. Laws are the appointed rules of a community or state for the control of its inhabitants,—whether unwritten, as the common law of England, or enacted by formal statutes, as in the United States.

TREATIES.

What is a Treaty?

A treaty is an agreement or contract between two or more nations, entered into with proper formality and solemnity, defining the rights of the respective parties thereto with regard to trade, commerce, or boundaries; or with reference to the protection of their mutual interests against invasion from foreign powers.

How are the Terms agreed upon?

The terms of treaties are usually agreed upon either by commissioners appointed by their respective governments for the specific purposes of arranging details, or by ambassadors or other public ministers.

How is a treaty Confirmed?

All treaties proposed by the President of the United States must be submitted to the Senate in secret session. The treaty to be valid must be ratified by a vote of two-thirds of the Senators present. (See page 140.)

NOTE 1.—When amendments to, or alterations of the treaties have been made by the Senate, the whole document must be re-submitted to the President and also to the foreign government with whom negotiations are pending.

NOTE 2.—Some of the more important treaties made are with England, 1783, 1794; with France, 1800, 1803; with Tripoli, 1805; with England, 1814; with Algiers, 1815; with Spain, 1819; with England, 1842, 1846; with Mexico, 1848; with England, 1850; with Russia, 1867.

What is Extradition?

Extradition is the delivering up of fugitives from justice by the authorities of one country or State to those of another.

NOTE 1.—The extradition between the several States is provide by the Constitution, Art. IV. Sec. 2. (See page 143.) An act was passed in 1793 by Congress to carry this provision into effect.

NOTE 2.—Extradition between countries is provided for by treaties instead of by legislation, and is made to cover a number of crimes, viz.: Murder, assault with intent to commit murder, piracy, arson, robbery, and forgery or the utterance of forged papers. Additional offences are enumerated among the crimes in some countries.

NOTE 3.—By acts of Congress passed to give effect to extradition treaties, the accused is to have an examination before a federal judge or commissioner, or before a judge of a State court, who if he finds the case established, will certify the fact with the evidence to the Secretary of State, that an executive warrant may issue for the surrender of the criminal to the authorized agent of the foreign government. The surrender cannot be made until the judicial determination shall be had. Similar proceedings are had in foreign countries as provided there by law, before giving up fugitives found there.

TAXES.

What two Kinds of Taxes are there?

Taxes are of two kinds, viz.: direct and indirect.

I. Direct taxes are laid directly on the property of individuals, which may be in lands (called real estate), or in money, goods, mortgages, notes, etc. (called personal property).

a. School Districts in New York State are authorized to lay a tax upon the real and personal property of the district as it appears upon the last assessment roll of the town in which it is situated, for the purpose of buying a site for school houses; building a school house and furnishing the same; and for supplies, apparatus, and any deficiency in teachers' wages, etc.

b. A direct tax is laid and collected yearly in each *Town* for the expenses incurred in payment of officers, support of the poor, building bridges, and for such other objects as the voters of the town legally direct.

c. A direct tax laid for the support of the *County* is apportioned by the board of supervisors among the several towns, in proportion to the equalized valuation of the real and personal property of the respective towns of the county.

d. A direct tax for the support of the *State* government is apportioned by the Comptroller among the several counties in proportion to the equalized valuation of their real and personal property; then by the boards of supervisors among their respective towns.

e. The town tax and its share of the State and county taxes are all included in one warrant and collected at the same time by the town collector.

f. Direct taxes are also laid and collected in incorporated *Villages* and *Cities* for their support.

g. A direct tax was ordered by Congress, August 5, 1861, at a time when money was much needed by the government, and apportioned among the several States as directed by the Constitution, Art. II. Sec. 3. The act provided for the raising of $20.000,000 annually; $17,000,000 was collected in the States not in rebellion for one year; provisions were also made for raising money by an internal revenue tax. Direct taxes were also levied in 1798, 1813, 1815, and 1816. The 51st Congress, in 1890, refunded the direct tax to the several States that raised it in 1861. New York State received as her share $2,213,330.

II. Indirect taxes are those laid upon importations, exportations, consumption and sale of goods; and are called in the Constitution, duties, imposts and excises.

a. Duties are taxes on importations of goods.

b. Imposts are taxes on goods imported.

c. Excises are inland duties. The term is employed to designate a particular form of duty.

d. An Internal Revenue Tax was laid in 1862 as a war measure. This required all notes, mortgages, wills and other valuable papers to be stamped with stamps designated as internal revenue stamps. Articles of luxury, gold watches, carriages, and a great many other articles were taxed under the law. This tax has been removed by Congress from all valuable papers, luxuries, and articles manufactured, except liquors and tobacco.

NOTE.—The revenue on spirituous and fermented liquors, tobacco, etc. for 1891, was as follows:

Spirituous liquors	$83,335,964
Fermented liquors	28,565,130
Tobacco	32,796,271
Penalties	256,214
	$144,953,579

What is a Tariff?

A tariff is a schedule showing the rates of duties fixed by Congress on all kinds of imported merchandise.

For what Two Purposes are duties laid?

Duties are laid for two purposes: the support of the government, and protection of our own manufacturers.

Upon what are Direct Taxes based?

Direct taxes are based upon the valuation of property as returned by the town assessors, which is merely an inventory of all real and personal property contained in the town.

How are these taxes Collected?

The school district taxes are collected by school district collectors; the town, county and State taxes by town collectors; the city and village taxes by the corporation collectors.

NOTE.—The assessed valuation of the entire United States for the year 1890, was $24,249,585,804; of the State of New York, $3,775,325,928.

New York therefore contains about one-seventh of the assessed property in the entire Union.

The State tax for 1891 was $8,934,304; of this amount there was raised for schools.... 3,779,393

The balance $5,154,911, was for the payment of the salaries for State officers; expenditures on the Capitol; canals, and all other State expenses.

IMPORTANT STATISTICS.

Total value of Exports from the United States, 1891.....	$884,480,810
Total value of Imports into the United States, 1891.....	844,916,196
Balance of trade in favor of the United States.....	$39,564,614
Receipts from customs, internal revenue, sales of public lands, and other miscellaneous items, United States, 1891.....	$392,612,457

Expenditures of all kinds, same year.... 365,773,905
Whole amount of money expended for schools in the United States, for the year 1891.....$140,277,484
Whole amount expended in New York in the same year..... 17,543,880
Amount of United States currency in circulation, 1891.....$1,500,067,555
The national debt in 1866 was..... 2,773,536,173
" " " Dec. 1, 1891 was... 1,546,961,695

NOTE.—The national debt of the United States has been greatly increased during each war, and was at different times in round numbers, as follows: 1791, $75,000,000; 1816, $127,000,000. During Jackson's administration the debt was cancelled; the surplus in the United States bank, by order of President Jackson, was loaned to certain State banks; the amount loaned the State of New York was by the Legislature of 1838 set apart as the United States Deposit fund, the interest to be used annually for the support of schools. In 1851, the debt amounted to $68,000,000.

FRANCHISE.

What is a Franchise?

I. A particular privilege conferred by grant from a sovereign or a government, and vested in individuals; an exemption from ordinary jurisdiction.

II. The franchise of *citizenship* is conferred by the United States Constitution. Amendment XIV.

III. The elective franchise, the crowning franchise of the American people, is conferred in New York, by the State Constitution, Art. II., Sec. 1.

IV. An additional franchise for voting at school meetings is conferred upon women and certain aliens. (See pp. 31, 115.) By a law of 1892, women may vote also for school commissioners.

NOTE 1.—All business matters pertaining to schools, excepting such as are delegated to officers, are to be transacted at the annual school meeting,

or at special meetings called for a special purpose ; at such times all persons legally qualified are entitled to vote.

Business matters of the town are submitted at the annual town meeting, at which time the officers for the town are elected. An entire town usually constitutes one district for town meeting purposes, but the board of supervisors may, as a legislative body, enact a law for the division of a town into two or more election districts for town meeting purposes. Special town meetings may be held for special purposes. Voters must be qualified as per Article II., Sec. 1, of the Constitution.

NOTE 2.—The election of county, district, State and national officers takes place at the general election held on the Tuesday following the first Monday in November in each year. For convenience towns are divided by the town board into election districts, said districts to contain not to exceed four hundred voters. Cities and villages are also divided into districts. The same qualifications for voting are required as at town meetings. What are they?

NOTE 3.—Women vote in Wyoming ; their State Constitution grants them the privilege equally with men. In some other States women are entitled to vote at municipal and at school elections only.

KINDS OF VOTING.

Name some of the kinds of voting practised.

I. By showing hands.

II. Ay acclamation, or ayes and noes.

III. By Viva Voce.

IV. By dividing or separating the persons voting into two bodies.

V. By Ballot.

VI. By Yeas and Nays.

Where are the first two kinds of voting usually practised?

In conventions of different kinds, primary meetings, etc.

When and how is the third kind of voting used?

In the election of a United States Senator, usually of the Speaker of the Assembly, and of a few other officers ; and in this way : as the names of those entitled to vote are called, they respond by naming their candidate.

Where is the fifth kind of voting practised?

Usually in the election of officers of different kinds.

Where is the sixth kind of voting used?

Usually in the legislature and some other deliberate bodies, and in this way: the names of the persons entitled to vote are arranged alphabetically, and as the clerk calls the roll each member responds yea or nay as he wishes to vote for or against the bill or resolution.

In voting by yeas and nays, when each person's name is called, if he wishes to vote for the bill or resolution, he says, "yea," if against it he says "nay". This manner of voting is a record of each and every man's vote: if his name is not found in the list, it is evident he did not vote.

In the Congress of the United States, the yeas and nays of the members of either house, on any question, must, at the desire of one-fifth of those present, be entered on the journal. Art. I, Sec. 5. (See page 133.)

In the Legislature of the State of New York, every bill before it can pass must receive the assent of a majority of all the members elected to each branch of the legislature, and the question upon the final passage must be taken immediately upon its last reading, and the yeas and nays entered on the journal. Art. III, Sec. 15. (See page 164).

A majority usually constitutes a quorum; but any act (in New York) which imposes a tax, or creates a debt, requires three-fifths of all the members elected to either house to be present to constitute a quorum. Art III, Sec. 21.

What are two-thirds and three-fifths bills?

See Constitution. Art. I, Sec. 9, and Art. III, Sec. 21. (See pages 155, 166.)

IMPEACHMENT.

In New York, what class of persons can be tried in the Court of Impeachment?

Public officers who have had charges preferred against them by the Assembly.

Of whom is the Court of Impeachment composed?

Of the Senators, or a majority of them, the Judges of the Court of Appeals, or a majority of them, and the Lieutenant-Governor; and two-thirds of all present must concur in order to convict.

When shall the Lieutenant-Governor not act as a member of this court?

When the Governor is being tried. He may be presumed to be an interested party, for if the Governor should be found guilty and be removed, the Lieutenant-Governor would become Governor.

What penalty can be inflicted by this court?

Removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

Can such parties be further punished?

Yes; they may be indicted, tried, and punished according to law, by fine or imprisonment, or both, according to the nature of the crime.

COMMERCIAL PAPER.

What is Negotiable Paper?

Negotiable paper includes promissory notes, due-bills, drafts, checks, certificates of deposit, bills of exchange, bank-bills, treasury notes, and all other evidences of debt which bear upon their face the words "or bearer," "or order," or other words that make the paper transferrable from one person to another.

What is a Promissory Note?

A promissory note is a written agreement signed by one or more persons, promising to pay to another party a certain amount of money.

What should be specified in a Promissory Note?

The date; to whom and where payable; the amount; that it is for value received. If it is to bear interest, this must be specified; and if it is to be negotiable, the words "or bearer" or "or order" should be inserted after the name of the payee.

NOTE.—The maker, the person whose signature the note bears, must be competent. Insane people and idiots are naturally incompetent, and aliens, minors, and married woman are in some States *legally* incompetent.

What is an Indorsement?

An indorsement is a name written across the back of a note, which makes the indorser holden for the payment of the note, providing the maker fails to fulfil on his part.

The following is a common form of a negotiable bank-note.

$2500. LOWVILLE, N. Y., May 1, 1892.

Two months after date I promise to pay to the order of J. W. Davis, Twenty-five Hundred dollars, at the First National Bank of Lowville, for value received. JAMES BENSON.

To endorse this note, hold it before you, as if to read it; turn it over towards you with left hand at top of note; and write J. W. Davis across the back about one-third distance from top to bottom. This is called indorsing in blank.

When the following is written, "Pay E. W. Jones, or order, J. W. Davis," it is an indorsement in full.

When the following is written, "*Pay E. W. Jones, or order, without recourse*," the indorsement is *qualified*. By it J. W. Davis transfers his ownership in the note to E. W. Jones, but he cannot be held responsible for its payment.

Each indorser in blank or in full is severally and collectively liable for the whole amount of the note indorsed if it be dishonored, provided it is duly protested and notice sent to each. The indorser looks to the man who indorsed it before him, and so back to the original maker of the note.

A note similar to the one above, signed "Lewis S. Evans, principal, John Jay, surety," is a "principal and surety note."

If the words be, "we jointly promise" instead of "I promise," and both names are signed, the note becomes a "joint note." If the words, "we jointly and severally promise," instead of the words, "I promise," are used, and both names signed, it becomes a "joint and several note."

The following is a special form for a note signed by a married woman.

$400. UTICA, N. Y., May 1, 1892.

Three months after date I promise to pay James See or bearer Four Hundred dollars, with interest, for value received. And I hereby charge my individual property and estate with the payment of this note.

CLARA C. JONES.

What is a Protest?

A protest is a formal notification to the maker and endorsers made by a notary public of the non-payment of a draft, note, or check.

FORM OF PROTEST.

——— COUNTY, } ss.
STATE OF NEW YORK. }

Be it known that on the 4th day of March, 1892, at the request of the First National Bank of —— I —— ——, Notary public, duly admitted and sworn, dwelling in —— presented the annexed note of —— for —— to the First National Bank, and payment thereof demanded, which was refused.

Whereupon I, the said Notary, at the request aforesaid, did *Protest* and by these presents solemnly do *Protest*, as well against the maker and endorsers

of the said note, as against all others whom it doth or may concern for exchange, re-exchange, and all costs damages and interest, already incurred, or to be incurred by reason of the non-payment of the said note.

And I the said Notary to hereby certify, that on the same day and year above written, due notices of the foregoing protest were put into the post-office at —— or served as follows :

Names of principal and endorsers. Notary Public.

How does a Due Bill differ from a Note?

A due bill differs from a note in the fact that it is simply an acknowledgment of a debt. It may be made payable in money or in merchandise, and is the simplest form of negotiable paper.

FORMS OF DUE BILLS.

$10. SYRACUSE, N. Y., May 1, 1892.

Due John Jackson or bearer Ten Dollars.

ALBERT STOW.

$20. ROCHESTER, N. Y., May 1, 1892.

Due Henry Enos, Twenty Dollars, payable in goods at our store, on demand. A. T. STEWART & CO.

ORDER.

$10. NORWICH, N. Y., May 1, 1892.

Mr. James Gilbert :

Please pay John Rees Ten Dollars on my account.

JAMES RICH.

RECEIPTS.

$15. OGDENSBURG, N. Y., May 1, 1892.

Received of James Kitts, Fifteen Dollars on account.

OR,

Received of James Kitts, Fifteen Dollars, in full of all demands to date. CHARLES STEBBINS.

What is a Contract?

A contract is legally defined to be an agreement, between persons competent to make it, to do or not to do, for a consideration, some specified thing.

What are the essential Conditions of a Contract?

There must be two or more persons concerned, who are legally qualified to contract. The assent of both

parties must be given freely and with full knowledge of the facts contained in the contract. There must also be a consideration : that is something given, done, or promised as a reason for entering into an agreement.

NOTE 1.—Corporations and States can contract only when empowered by their charter or constitution. Persons under twenty-one years of age, lunatics, and idiots are not competent to make contracts. Most contracts are oral, but all contracts for the sale of *real estate* or interest therein must be in writing. A minor may receive property but cannot legally sell it, and if he does can regain it. But a minor who has no parent or guardian may contract for food, clothing, and lodging, and may be made to pay for them.

NOTE 2.—Contracts are voided by fraud. Fraud is defined to be "every kind of artifice employed by a person for the purpose of deceiving another, to his injury." The party upon whom the fraud has been practised must void the contract as soon as he discovers the fraud.

NOTE 3.—Any violation of the essential requisites of a contract or the omission of an essential requisite will void it. The remedy for a broken contract is usually stated in a clause in which the parties bind themselves each to each other, in a penal sum of money, to be paid by the failing party to the other party. In case there be no forfeiture stated the courts when appealed to will assess the damages.

What is a Deed?

A deed is a writing by which one person conveys title in lands to another person. It must be dated, must contain the names of the parties, and a description of the land conveyed, must be signed by the party conveying the land, and must be acknowledged before a proper officer as follows :

STATE OF NEW YORK, } ss.
COUNTY OF —— }

On this 1, day of May, 1892, before me the subscriber, personally appeared James Doe, to me personally known, to be the same person described in and who executed the within instrument, and acknowledged that he executed the same.

J. A. CROWNER,
Justice of the Peace.

NOTE 1.—The foregoing is called "an acknowledgment," and must be used to make deeds, mortgages and assignments valid ; after which they can be recorded in the office of the County Clerk.

NOTE 2.—Notaries Public, Justices of the Peace, Judges of Courts, Mayors and Aldermen in cities are authorized to take acknowledgments.

NOTE 3.—In case the wife does not sign the deed with the husband, she will in case of death of her husband be entitled to a life-estate of one-third of the property.

NOTE 4.—The real property of any woman acquired before or after her marriage, remains her separate property, not liable for her husband's debts. She may make contracts; carry on a trade or business on her own separate account; dispose of her real and personal property by sale or by a will. She may be a guardian, executrix, or administratrix, and may give the necessary bonds.

What is a Warranty Deed?

A *warranty* deed is one by which the grantor covenants to insure the title in the lands conveyed against all persons whatsoever.

NOTE.—A *quit-claim* deed releases simply the interest which the grantor has in the land, whatever it may be.

In deeds made by executors, administrators, or guardians, there is generally no warranty.

Interlining or erasures in a deed, made before signing, should be mentioned in a note on the margin, and witnessed in proper form. After the acknowledgment of a deed, the parties have no right to make the slightest alteration.

What is a Mortgage?

A mortgage is a conveyance of property, either real or personal, made for the purpose of securing the payment of a debt. When the debt is paid the mortgage becomes void and should be cancelled. A real estate mortgage must, like a deed, contain all the particulars, and when legally acknowledged can be recorded in the office of the County Clerk.

NOTE 1.—Mortgages on personal property are called Chattel Mortgages. They are good only for one year, unless renewed, and are filed in the office of the Town Clerk, except in those towns in which the county seat is located; in such towns chattel mortgages are filed in the office of the County Clerk.

NOTE 2.—In case the payment of money secured by the mortgage is not made according to the terms stated in the mortgage, the mortgagee can sell the mortgaged property as directed by law. Such sale is called a *foreclosure*.

NOTE 3.—When a mortgage has been fully paid and satisfied, the mortgagee must execute a paper as deeds and mortgages are executed, setting

forth the fact that the mortgage is satisfied and paid in full. This is called a *satisfaction* or *discharge*, and will be recorded in the office of the County Clerk. This restores the title to the mortgagor.

What is a Bond?

A bond is a written instrument made under seal, in which one party acknowledges himself "held and bound firmly" with another party, for the payment of certain sums of money, or for the performance of such other duties as are mentioned in the bond.

NOTE 1.—A bond accompanying a mortgage is additional security for the payment of the money secured by the mortgage, and is a lien upon the personal and other property of the mortgagee.

NOTE 2.—Certain civil officers, executors, administrators, assigns, etc., are required to give bonds; meaning that a guaranty is made by the party giving the bond that the officer will truly and well perform all his duties, and pay over all moneys required by the bond.

NOTE 3.—All crimes (except those punishable with death) are bailable; that is, the prisoner may be released if one or more persons give a bond, agreeing to pay to the State a certain amount of money fixed by the judicial officer in charge, in case the party charged with the offence or indictment does not appear when wanted.

NOTE 4.—When the bond is given for the payment of a certain amount of money the penalty is usually fixed at double the amount of money required to be paid; but the courts require the payment of an amount which will be a complete indemnification for damages sustained.

What is a Will?

A will is an instrument in writing, declaring what a person desires to have done with his property after death. It can be changed or revoked at his pleasure during his life.

NOTE 1.—Persons of lawful age and sound mind can make a legal will, which must be subscribed by the testator, in the presence of two lawful witnesses, who at his request, and in his presence, and in the presence of each other, have subscribed their names as witnesses, together with their post office addresses.

NOTE 2.—The word "bequeath" applies properly to the personal estate, only; the word "devise" to real estate only. The safe way is to say,—"I give, bequeath, and devise my estate and property as follows: that is to say"—and then go on and tell what shall be done with this or that piece of property, or sum of money.

NOTE 3.—The person named in the will to carry it into effect is called the Executor; if there be no person named as executor, or if the executor declines to serve, the court will appoint an "Administrator", whose duty it will be to settle the estate according to the provisions of the will.

NOTE 4.—Persons dying without a will are said to die intestate; in that case "administrators" are appointed to administer the estate.

NOTE 5.—A codicil is a little additional will, changing the will as circumstances may require. There can be but one will and that the last one; but there can be any number of codicils.

NOTE 6.—All wills should contain words like these: "I make this as my last will and testament, hereby revoking all former wills made by me," etc.

SOVEREIGNTY.

What is a Sovereign State?

A State that administers its own government and is not dependent upon, or subject to another power.

What is the Right of Eminent Domain?

That superior dominion of the sovereign power within the State, including that previously granted by itself, which authorizes it to appropriate any part thereof to a necessary public use, reasonable compensation being made.

What is Public Domain?

The territory belonging to a State or to the general government; public lands, etc.

DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

The Unanimous Declaration of the Thirteen United States of America.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government; laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long

established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely parallelled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to

become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish

and declare, that these United Colonies are, and of right ought to be, *free and independent States;* they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as *free and independent States,* they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which *independent States* may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK, and 54 other signers.

THE CONSTITUTION
OF THE
UNITED STATES OF AMERICA.

PREAMBLE.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.—Legislative.

SECTION 1.—CONGRESS.

1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION 2.—HOUSE OF REPRESENTATIVES.

1. *Election.*—The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. *Qualifications.*—No person shall be a representative who shall not (1) have attained to the age of twenty-five years, and (2) been seven years a citizen of the

United States, and who shall not (3) when elected, be an inhabitant of that State in which he shall be chosen.

3. *Apportionment.*—Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia three.

4. *Vacancies.*—When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. *Officers.*—The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Section 3.—Senate.

1. *Election.*—The senate of the United States shall be composed of two senators from each State chosen by the

legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. *Qualifications.*—No person shall be a senator who shall not have (1) attained the age of thirty years, and (2) been nine years a citizen of the United States, and who shall not (3), when elected, be an inhabitant of that State for which he shall be chosen.

4. *Officers.*—The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

5. The senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice-president, or when he shall exercise the office of president of the United States.

6. *Impeachments.*—The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted

without the concurrence of two-thirds of the members present.

7. Judgments in cases of impeachments shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4.—Elections and Meetings.

1. *Elections.*—The times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the place of choosing senators.

2. *Meetings.*—The congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5.—Organization.

1. *Quorum.*—Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. *Rules.*—Each house may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. *Journal.*—Each house shall keep a journal of its proceedings, and from time to time publish the same,

excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. *Adjournment.*—Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6.—Members as Individuals.

1. *Pay and Privileges.*—The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

2. *Prohibitions.*—No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section 7.—Revenue; The Veto.

1. *Revenue Bills.*—All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

2. *The Veto.*—Every bill which shall have passed the house of representatives and the senate shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote, to which the concurrence of the senate and the house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and, before the same shall take effect, shall be approved by him; or, being disapproved by him shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8.—Legislative Powers.

The congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post-offices and post-roads.

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the supreme court; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

12. To provide and maintain a navy.

13. To make rules for the government and regulation of the land and naval forces.

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by congress.

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Section 9.—General Prohibitions.

1. The migration or importation of such persons as any of the States now existing shall think proper to

admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on any articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.—PROHIBITIONS UPON THE STATES.

1. *Absolute.*—No State shall (1) enter into any treaty, alliance or confederation; (2) grant letters of marque

and reprisal; (3) coin money; (4) emit bills of credit; (5) make any thing but gold and silver coin a tender in payment of debts; (6) pass any bill of attainer, *ex post facto* law, or law impairing the obligation of contracts; or (7) grant any title of nobility.

2. *Except by Consent of Congress.*—No State shall, without consent of congress, (1) lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No State shall, without the consent of the congress, (2) lay any duty of tonnage, (3) keep troops or ships of war in time of peace, (4) enter into any agreement or compact with another State, or with a foreign power, or (5) engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II—Executive.

SECTION 1.—THE PRESIDENT AND VICE-PRESIDENT.

1. *Election.*—The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years; and together with the vice-president chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the congress; but no senator or representative, or person holding an office of

trust or profit under the United States, shall be appointed an elector.

(Paragraph 3 has been superseded and annulled by 12th amendment.)

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. *Qualifications.*—No person, except (1) a natural born citizen or a citizen of the United States at the time of the adoption of this constitution shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have (2) attained to the age of thirty-five years, and (3) been fourteen years a resident within the United States.

6. *Vacancy.*—In case of the removal of the president from office, or of his death, resignation or inablity to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may, by law, provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. *Salary.*—The president shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

8. *Oath.*—Before he enter on the execution of his office, he shall take the following oath of affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States; and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

SECTION 2.—POWERS.

1. The president shall be (1) commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may (2) require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall (3) have power to grant reprieves and pardon for offences against the United States, except in cases of impeachment.

2. He shall (4) have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall (5) nominate, and by and with the advice and consent of the senate shall appoint, (*a*) ambassadors, (*b*) other public ministers and consuls, (*c*) judges of the supreme court, and (*d*) all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall (6) have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, (7) give to the congress information of the state of the Union, and (8) recommend to their consideration such measures as he shall judge necessary and expedient. He may, (9) on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them with respect to the time of adjournment, he may (10) adjourn them to such time as he shall think proper. He shall (11) receive ambassadors and other public ministers. He shall (12) take care that the laws be faithfully executed; and shall (13) commission all the officers of the United States.

SECTION 4.—IMPEACHMENTS.

1. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other higher crimes or misdemeanors.

ARTICLE III.—Judicial.

SECTION 1.—COURTS.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2.—JURISDICTION.

1. *Extent.*—The judicial power shall extend to (1) all cases in law and equity arising under this constitution,

the laws of the United States and treaties made, or which shall be made under their authority; to (2) all cases affecting ambassadors, other public ministers and consuls; to (3) all cases of admiralty and maritime jurisdiction; to (4) controversies to which the United States shall be a party; to controversies (5) between two or more States; (6) between a State and citizens of another State; (7) between citizens of different States; (8) between citizens of the same State claiming lands under grants of different States and (9) between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. *Original and appellate.*—In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the supreme court shall have orginal jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress may make.

3. *Criminal.*—The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the congress may by law have directed.

Section 3.—Treason.

1. *Definition and proof.*—Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless

on the testimony of two witnesses to the same overt act, or on confession in open court.

2. *Limit.*—The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.—Relations of States.

SECTION 1.—PUBLIC RECORDS.

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State; and the congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2.—RIGHTS OF CITIZENS.

1. *In other States.*—The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. *Extradition.*—A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. *A relic of slavery.*—No person held to service or labor in one State under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such services or labor; but shall be delivered upon claim of the party to whom such service or labor may be due.

SECTION 3.—NEW STATES AND TERRITORIES.

1. *New States.*—New States may be admitted by the congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the congress.

2. *Territories.*—The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.—NATIONAL PROTECTION.

1. The United States shall guarantee to every State in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.—Amendments.

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the applications of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution when ratified by the legislatures of three-fourths of the several States, or in conventions of

three-fourths thereof, as the one or the other mode of ratification may be proposed by congress; provided that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clause in the ninth section of the first article, and that no State without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.—Sundry Provisions.

1. *National debts.*—All debts contracted and engagements entered into before the adoption of this constitution shall be as valid against the United States under this constitution, as under the confederation.

2. *National law supreme.*—This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary nothwithstanding.

3. *Oaths.*—The senators and representatives before mentioned, and members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—Establishment.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same,

[Constitution ratified by States 1787—1790.]

AMENDMENTS.

I.—Freedom of Religion, Speech, and Petition.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.—(*1791.*)

II.—Arms.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—(*1791.*)

III.—Quartering of Soldiers.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.—(*1791.*)

IV.—Search Warrants.

The right of the people to be secure in their persons, houses, paper and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—(*1791.*)

V.—Criminal Proceedings.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual

service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.—(*1791.*)

VI.—Criminal Proceedings.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. (*1791.*)

VII.—Trial by Jury.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law. —(*1791.*)

VIII.—Excessive Punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (*1791.*)

IX.—Rights Not Named.

The enumeration in the constitution of certain rights

shall not be construed to deny or disparage others retained by the people.—(*1791.*)

X.—Powers Reserved.

The powers not delegated to the United States by the constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.—(*1791.*)

XI.—Suits against States.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.—(*1798.*)

XII.—Election of President.

1. The electors shall meet in their respective State, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the persons voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and for all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all of the certificates, and the votes shall be counted. The person having the greatest number of votes for president shall be president, if such number be a ma-

jority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of the States shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president as in case of death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president. A quorum for the purpose shall consist of two-thirds of the number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.—(*1804.*)

XIII.—Slavery.

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have

been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.—(*1865.*)

XIV.—Civil Rights.

1. *Civil rights.*—All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. *Apportionment of representatives.*—Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male persons shall bear to the whole number of male citizens twenty-one years of age in such State.

3. *Political disabilities.*—No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of congress, or as an officer of the United States, or as any member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a two-thirds vote of each house, remove such disability.

4. *Public debt.*—The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.—(*1868.*)

XV.—Suffrage.

1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

2. The congress shall have power to enforce this article by appropriate legislation.—(*1870.*)

THE CONSTITUTION

OF THE

STATE OF NEW YORK.

ADOPTED NOVEMBER 3, 1846.

AS AMENDED AND IN FORCE JANUARY 1, 1895.

WE, THE PEOPLE of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION.

ARTICLE I.—Individual Rights.

1. *Disfranchisement.*—No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

2. *Trial by jury.*—The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

3. *Religious liberty.*—The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

4. *Habeas corpus.*—The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

5. *Bail, fines.*—Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

6. *Grand jury.*—No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

7. *Private property and roads.*—When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads

may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

8. *Free speech and press.*—Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

9. *Petitions, divorces, lotteries.*—No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed within this State; and the Legislature shall

pass appropriate laws to prevent offences against any of the provisions of this section.

10. *Property in lands.*—The people of this State, in their right of sovereignty are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail, from a defect of heirs, shall revert, or escheat to the people.

11. *Feudal tenures.*—All feudal tenures of every description, with all their incidents, are declared to be abolished, saving, however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

12. *Allodial tenure.*—All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

13. *Limit of leases.*—No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

14. *Fines, quarter-sales.*—All fine, quarter-sales, or other like restraints upon alienation, reserved in any grant of land hereafter to be made, shall be void.

15. *Indian lands.*—No purchase or contract for the sale of lands in this State, made since the 14th day of October, 1775; or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

16. *Codification of laws.*—Such parts of the common

law, and of the acts of the Legislature of the Colony of New York, as together did form the law of the said colony, on the 19th day of April, 1775, and the resolutions of the Congress of the said colony, and of the convention of the State of New York, in force on the 20th day of April, 1777, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated.

17. *Grants of lands.*—All grants of land within this State, made by the king of Great Britain, or persons acting under his authority, after the 14th day of October, 1775, shall be null and void; but nothing contained in this Constitution shall affect any grants of land within this State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

18. *No limit to damages for death.*—The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the

amount recoverable shall not be subject to any statutory limitation.

ARTICLE II.—Voters.

1. *Qualifications.*—Every male citizen of the age of 21 years, who shall have been a citizen for 90 days, and an inhabitant of this State one year next preceeding an election, and for the last four months a resident of the county, and for the last 30 days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people; provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

2. *Bribery.*—No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of

any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm, before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or witholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

3. *Residence.*—For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison.

4. *Registration.*—Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village

elections except by express provision of law. In cities and villages having 5,000 inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

5. *Election by ballot.*—All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved.

6. *Boards of registration.*—All laws creating, regulating or affecting boards or officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the Legislature may direct. Existing laws on this subject shall continue until the Legislature shall otherwise provide. This section shall not apply to town meetings, or to village elections.

ARTICLE III.—The Legislature.

1. *Two Houses.*—The legislative power of this State shall be vested in the Senate and Assembly.

2. *How constituted.*—The Senate shall consist of 50 members, except as hereinafter provided. The Senators elected in the year 1895 shall hold their offices for three years, and their successors shall be chosen for two years. The Assembly shall consist of 150 members who shall be chosen for one year.

3. *Senate districts.*—The State shall be divided into 50 districts to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from 1 to 50, inclusive.*

4. *How altered.*—An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year 1905, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each Senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times, consist of contiguous territory, and no county shall be divided in the formation of a Senate district except to make two or more Senate districts wholly in such county. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of Senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein, adjoining such district. Counties,

* For existing Senate districts, see pages 52, 53, Northam's Civil Government,

towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more Senators unless it shall have a full ratio for each Senator. No county shall have more than one-third of all the Senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the Senators.

The ratio for apportioning Senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the Senate shall always be composed of fifty members, except that if any county having three or more Senators at the time of any apportionment shall be entitled on such ratio to an additional Senator or Senators, such additional Senator or Senators shall be given to such county in addition to the fifty Senators, and the whole number of Senators shall be increased to that extent.

5. *Assembly districts.*—The members of the Assembly shall be chosen by single districts, and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of Assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton

shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of Assembly, shall be the ratio for apportionment, which shall be made as follows: One member of Assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of Assembly than a county having a greater number of inhabitants, excluding aliens.*

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble on the second Tuesday of June, 1895, and at such times as the Legislature making an apportionment shall prescribe, and divide such counties into Assembly districts as nearly equal in number of inhabitants, excluding

* For existing Assembly districts, see pages 53, 54, Northam's Civil Government.

aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a Senate district formed under the same apportionment, equal to the number of members of Assembly to which such county shall be entitled, and shall cause to be filed in the office of the Secretary of State and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration ; and such apportionment and districts shall remain unaltered until another enumeration shall be made, as herein provided ; but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, 1895, shall be made by the common council of said city and the board of supervisors of said county, assembled in joint session. In counties having more than one Senate district, the same number of Assembly districts shall be put in each Senate district, unless the Assembly districts cannot be evenly divided among the Senate districts of any county, in which case one more Assembly district shall be put in the Senate district in such county having the largest, or one less Assembly district shall be put in the Senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of Assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same Senate district, than the population of a town or block therein adjoining such Assembly district. Town or blocks which,

from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the State enumeration of 1892, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

6. *Salary of members.*—Each member of the Legislature shall receive for his services an annual salary of $1,500. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the trial of impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

7. *Prohibitions.*—No member of the Legislature shall receive any civil appointment within this State, or the

Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

8. *Disqualifications.*—No person shall be eligible to the Legislature, who at the time of his election, is, or within 100 days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

9. *Election.*—The elections of Senators and Members of Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

10. *Rules of the house.*—A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and the Senate shall choose a temporary president to preside in case of the absence or impeachment of the Lieutenant-Governor, or when he shall refuse to act as president, or shall act as Governor.

11. *Journals.*—Each house shall keep a journal of its proceedings, and publish the same, except such

parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

12. *Privilege.*—For any speech or debate in either house of the Legislature, the members shall not be questioned in any other place.

13. *Bills.*—Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other.

14. *Enacting clause.*—The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

15. *Deliberate legislation.*—No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and the seal of the State; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the Legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered on the journal.

16. *Private bills.*—No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

17. *Restrictions.*—No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or part thereof, shall be applicable, except by inserting it in such act.

18. *Further restrictions.*—The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impanelling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage of allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river

below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of, that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the Appellate Division of the Supreme Court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

19. *Auditing.*—The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

20. *Two-thirds vote.*—The assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

21. *Appropriations.*—No money shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pur-

suance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

22. *Extraneous provisions.*—No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

23. *Revised statutes.*—Sections 17 and 18 of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by commissioners who have been appointed pursuant to law to revise the statutes.

24. *Tax bills.*—Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

25. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members

elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

26. *Supervisors.*—There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

27. *Local legislation.*—The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State such further powers of local legislation and administration as the Legislature may from time to time deem expedient.

28. *Compensation.*—The Legislature shall not, nor shall the common council of any city, nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

29. *Prison-labor.*—The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after the 1st day of January, in the year 1897, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that

the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

ARTICLE IV.—Executive Department.

1. *Officers.*—The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect, shall hold office until and including the 31st day of December, 1896, and their successors shall be chosen at the general election in that year.

2. *Eligibility.*—No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than 30 years, and who shall have been five years next preceding his election a resident of this State.

3. *Election.*—The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature at its next annual session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

4. *Duties of the Governor.*—The Governor shall be

Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of $10,000, and there shall be provided for his use a suitable and furnished executive residence.

5. *Pardons.*—The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its

date, and the date of the commutation, pardon or reprieve.

6. *Power may devolve on the Lt. Gov.*—In case of impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State.

7. *Duties of Lt. Governor.*—The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease; and if the President of the Senate for any of the above causes shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the Assembly shall act as Governor until the vacancy be filled or the disability shall cease.

8. *Salary.*—The Lieutenant-Governor shall receive for his services an annual salary of $5,000, and shall not receive or be entitled to any other compensation, fee or

perquisite, for any duty or service he may be required to perform by the Constitution or by law.

9. *The veto.*—Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement

of the items to which he objects ; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

ARTICLE V.—Other State Officers.

1. *Election.*—The Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be chosen at a general election, at the times and places of electing the Governor and Lieutenant-Governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, excepting the Speaker of the Assembly, shall at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected ; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of State Engineer and Surveyor who is not a practical civil engineer.

2. The first election of the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer

and Surveyor, pursuant to this article shall be held in the year 1895, and their terms of office shall begin on the 1st day of January following, and shall be for three years. At the general election in the year 1898, and every two years thereafter, their successors shall be chosen for the term of two years.

3. *Superintendent of Public Works.*—The Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal and the cause thereof to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties

shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The Superintendent of Public Works shall perform all the duties of the former Canal Commissioners, and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate.

4. *Supt. of State Prisons.*—A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such

sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the Inspectors of State Prisons. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defence.

5. *Commissioners of the Land Office.*—The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be the Commissioners of theLand Office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the Commissioners of the Canal Fund. The Canal Board shall consist of the Commissioners of the Canal Fund, the State Engineer and Surveyor and the Superintendent of Public Works.

6. *Powers and duties.*—The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

7. *Treasurer may be suspended.*—The Treasurer may be suspended from office by the Governor, during the

recess of the Legislature, and until 30 days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension of the Treasurer.

8. *Certain offices abolished.*—All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any such office for such purposes hereafter.

9. *Civil service examinations.*—Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examination which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

ARTICLE VI.—Judiciary.

1. *The Supreme Court.*—The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided.* The Supreme court shall consist of the Justices now in office, and of the Judges transferred thereto by the fifth section of this article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of 12 additional Justices who shall reside in and be chosen by the electors of, the several existing judicial districts, 3 in the first district, 3 in the second, and 1 in each of the other districts; and of their successors. The successors of said Justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution, of the inhabitants of the State, and thereupon reapportion the Justices to be thereafter elected in the districts so altered.

2. *Judicial departments.*—The Legislature shall divide the State into 4 judicial departments. The 1st department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof.

* For existing judicial districts, see Northam's Civil Government, pp. xi., 81, 82.

There shall be an Appellate Division of the Supreme Court, consisting of 7 Justices in the first department, and of 5 Justices in each of the other departments. In each department 4 shall constitute a quorum, and the concurrence of 3 shall be necessary to a decision. No more than 5 Justices shall sit in any case.

From all the Justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the presiding Justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other Justices shall be designated for terms of 5 years, or the unexpired portions of their respective terms of office, if less than 5 years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. He may also make temporary designations in case of the absence or inability to act, of any Justice in the Appellate Division. A majority of the Justices designated to sit in the Appellate Division in each department shall be residents of the department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding Justices of the several departments at a meeting called by the presiding Justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No Justice of the Appellate Division shall exercise any of the powers of a Justice of the Supreme Court, other than those of a Justice out of court, and those pertaining to the Appellate Division or to the hearing and decision of motions

submitted by consent of council. From and after the last day of December, 1895, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms, and by the General Terms of the Court of Common Pleas for the City and County of New York, the Superior Court of the City of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter.

The Justices of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial Terms therein, and to assign the Justices in the departments to hold such terms; or to make rules therefor.

3. *Equity cases.*—No Judge or Justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

4. *Term of office.*—The official terms of the Justices of the Supreme Court shall be 14 years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than 3 months after such vacancy occurs; and, until the

vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

5. *Abolishment of courts.*—The Superior Court of the City of New York, the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, are abolished from and after the 1st day of January, 1896, and thereupon the seals, records, papers and documents of or belonging to such courts, shall be deposited in the offices of the Clerks of the several counties in which said courts now exist; and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The Judges of said courts in office on the 1st day of January, 1896, shall, for the remainder of the terms for which they were elected or appointed, be Justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other Justices of the Supreme Court residing in the same counties. Their successors shall be elected as Justices of the Supreme Court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished, shall be vested in the Supreme Court. Appeals from inferior and local courts now heard in the Court of Common Pleas for the City and County of

New York and the Superior Court of Buffalo, shall be heard in the Supreme Court in such manner and by such Justice or Justices as the Appellate Divisions in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the Legislature.

6. *Jurisdiction.*—Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, 1895. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any Justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

7. *The Court of Appeals.*—The Court of Appeals is continued. It shall consist of the Chief Judge and Associate Judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official terms of the Chief Judge and Associate Judges shall be 14 years from and including the 1st day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and remove its reporter, clerk and attendants.

8. *Filling of vacancies.*—When a vacancy shall occur otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than 3 months after such

vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor may fill such vacancy by appointment. If any such appointment of Chief Judge shall be made from among the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner; but in such case, the person appointed Chief Judge shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of Judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

9. *Limit to appeals.*—After the last day of December, 1895, the jurisdiction of the Court of Appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken as of right, to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them.

The Appellate Division in any department may however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the last day of December, 1895, but appeals therefrom may be taken under existing provisions of law.

10. *Prohibitions.*—The Judges of the Court of Appeals and the Justices of the Supreme Court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

11. *Removal.*—Judges of the Court of Appeals and Justices of the Supreme Court, may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except Justices of the Peace and judges or justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to

be heard. On the question of removal, the yeas and nays shall be entered on the journal.

12. *Salaries.*—The Judges and Justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article. No person shall hold the office of Judge or Justice of any court longer than until and including the last day of December next after he shall be 70 years of age. No Judge or Justice elected after the first day of January, 1894, shall be entitled to receive any compensation after the last day of December next after he shall be 70 years of age; but the compensation every Judge of the Court of Appeals or Justice of the Supreme Court elected prior to the first day of January, 1894, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such Judge or Justice 10 years or more, shall be continued during the remainder of the term for which he was elected; but any such Judge or Justice may, with his consent, be assigned by the Governor, from time to time, to any duty in the Supreme Court while his compensation is so continued.

13. *Impeachment.*—The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The Court for the Trial of Impeachments shall be composed of the President of the Senate, the Senators, or the major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor or Lieutenant-Governor, the Lieutenant-Gov-

ernor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

14. *County Courts.*—The existing county courts are continued, and the Judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be 2 County Judges and the additional County Judge shall be chosen at the next general election held after the adoption of this article. The successors of the several County Judges shall be chosen by the electors of the counties for the term of 6 years. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding $2,000. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided however that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded

exceeds $2,000, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the county of New York, are abolished from and after the last day of December, 1895. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every County Judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A County Judge of any county may hold County Courts in any other county when requested by the Judge of such other county.

15. *Surrogates' Courts.*—The existing Surrogates' Courts are continued, and the Surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be 6 years, except in the county of New York, where they shall continue to be 14 years. Surrogates and Surrogates' Courts shall have the jurisdiction and powers which the Surrogates and existing Surrogates' Courts now possess, until otherwise provided by the Legislature. The County Judge shall be Surrogate of his county, except where a separate Surrogate has been or shall be elected. In counties having a population exceeding 40,000, wherein there is no separate Surrogate, the Legislature may provide for the election of a separate officer to be Surrogate, whose term of office shall be 6 years. When the Surrogate shall be

elected as a separate officer his salary shall be established by law, payable out of the county treasury. No County Judge or Surrogate shall hold office longer than until and including the last day of December next after he shall be 70 years of age. Vacancies occurring in the office of County Judge or Surrogate shall be filled in the same manner as like vacancies occurring in the Supreme Court. The compensation of any County Judge or Surrogate shall not be increased or diminished during his term of office. For the relief of Surrogates' Courts the Legislature may confer upon the Supreme Court in any county having a population exceeding 400,000, the powers and jurisdiction of Surrogates, with authority to try issues of fact by jury in probate cases.

16. *Vacancies.*—The Legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of County Judge and of Surrogate, in cases of their inability or of a vacancy, and in such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.

17. *Justices of the Peace.*—The electors of the several towns shall, at their annual town meetings, or at such other time and in such manner as the Legislature may direct, elect Justices of the Peace, whose term of office shall be 4 years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the Peace and judges or justices of inferior courts not of record, and their clerks, may be

removed for cause, after due notice and an opportunity of being heard, by such courts as are or may be prescribed by law. Justices of the Peace and District Court Justices may be elected in the different cities of this State in such manner, and with such powers, and for such terms, respectively, as are or shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.

18. *Local courts.*—Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but no inferior local court hereafter created shall be a court of record. The Legislature shall not hereafter confer upon any inferior or local court of its creation, any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts by or under this article. Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

19. *Clerks.*—Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The Justices of the Appellate Division in each department shall have power to appoint and to remove a clerk who shall keep his office at a place to be designated by said Justices. The Clerk of the Court of Appeals shall keep his office at the seat of government. The Clerk of the Court of Appeals and the clerks of the Appellate Division shall receive compensation to be established by law and paid out of the public treasury.

20. *Compensation.*—No judicial officer, except Justices of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, or Justice of the Supreme Court, or any County Judge or Surrogate hereafter elected in a county having a population exceeding 120,000, practise as an attorney or counselor in any court of record in this State, or act as referee. The Legislature may impose a similar prohibition upon County Judges and Surrogates in other counties. No one shall be eligible to the office of Judge of the Court of Appeals, Justice of the Supreme Court, or, except in the county of Hamilton, to the office of County Judge or Surrogate, who is not an attorney and counsellor of this State.

21. *Legal publications.*—The Legislature shall provide for the speedy publication of all statutes; and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

22. *Expiration of terms of office.*—Justices of the Peace and other local judicial officers provided for in sections 17 and 18, in office when this article takes effect, shall hold their offices until the expiration of their respective terms.

23. *Special Sessions.*—Courts of Special Sessions shall have such jurisdiction of offences of the grade of misdemeanors as may be prescribed by law.

ARTICLE VII.—State Debts.

1. *State credit.*—The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation,

2. *State debts.* The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed $1,000,000; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debts so contracted, and to no other purpose whatever.

3. *Emergencies.*—In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

4. *Limits of legislative power.*—Except the debts specified in sections 2 and 3 of this article, no debts shall hereafter be contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within 18 years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and

ought the same to receive the sanction of the people ?"

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within 3 months after its passage, or at any general election when any other law, or any bill, or any amendment to the Constitution, shall be submitted to be voted for or against.

5. *Sinking funds.*—The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

6. *Limitation.*—Neither the Legislature, canal board, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be barred by lapse of time.

This provision shall not be construed to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

7. *The forest preserve.*—The lands of the State, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

8. *Canals.*—The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal; but they shall remain the property of the State and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

9. *No tolls.*—No tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals, and the owners and masters

thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

10. *Improvement of canals.*—The canals may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose in the mode prescribed by section four of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the State treasury, or by equitable annual tax.

ARTICLE VIII.—Corporations.

1. *How created.*—Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

2. *Debts.*—Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

3. *Definition.*—The term corporations as used in this article shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

4. *Bank charters.*—The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

5. *Specie payments.*—The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation, issuing bank notes of any description.

6. *Registry of bills.*—The Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

7. *Stockholders rssponsible.*—The stockholders of every corporation and joint-stock association for banking purposes, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

8. *Insolvency.*—In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

9. *State credit.*—Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held, by the State for educational purposes.

10. *Restrictions.*—No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation ; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including exist-

ing indebtedness, shall exceed 10 per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for State or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds 10 per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed 20 years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within 5 years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascer-

taining the power of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county, the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over 100,000 inhabitants, or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year 2 per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

11. *State commissions.*—The Legislature shall provide for a State Board of Charities, which shall visit and inspect all institutions, whether State, county, municipal incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a State Commission in Lunacy, which shall visit and inspect all institutions, either public, or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a State Commission of Prisons which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

12. *Appointment.*—The members of the said board

and of the said commissions shall be appointed by the Governor, by and with the advice and consent of the Senate; and any member may be removed from office by the Governor for cause, an opportunity having been given him to be heard in his defence.

13. *Existing laws.*—Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature. The visitation and inspection herein provided for, shall not be exclusive of other visitation and inspection now authorized by law.

14. *Charitable institutions.*—Nothing in this Constitution contained shall prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education, of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the Legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the State Board of Charities. Such rules shall be subject to the control of the Legislature by general laws.

15. *Additional powers.*—Commissioners of the State Board of Charities and commissioners of the State Commission in Lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the Legislature shall otherwise provide. The Legislature may confer upon the commissioners and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of the Constitution.

ARTICLE IX.—Education.

1. *Free schools.*—The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.

2. *Regents of the University.*—The corporation created in the year 1784, under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised, by not less than nine regents.

3. *How applied.*—The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of $25,000 of the revenues of the United States deposit fund shall each year be appropriated to and

made part of the capital of the said common school fund.

4. *Sectarian appropriations.*—Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

ARTICLE X.—County Officers.

1. *Election of certain officers.*—Sheriffs, clerks of counties, district attorneys, and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every 3 years and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every 2 or 4 years as the Legislature shall direct. Sheriffs shall hold no other office, and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defence.

2. *Election of other officers.*—All county officers, whose election or appointment is not provided for by this

Constitution, shall be elected by the electors of the respective counties or appointed by the Boards of Supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

3. *Term of office.*—When the duration of any office is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

4. *Time of election.*—The time of electing all officers named in this article shall be prescribed by law.

5. *Vacancies.*—The Legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

6. *Political year.*—The political year and legislative term shall begin on the 1st day of January; and the Legislature shall, every year, assemble on the first Wednesday in January.

7. *Removal.*—Provision shall be made by law for the removal for misconduct or malversation in office of all

officers, except judicial, whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

8. *Offices deemed vacant.*—The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

9. *Salaries.*—No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XI.—Militia.

1. *How constituted.*—All able-bodied male citizens between the ages of 18 and 45 years, who are residents of the State, shall constitute the militia, subject however to such exemptions as are now, or may be hereafter created by the laws of the United States, or by the Legislature of this State.

2. *Enlistment.*—The Legislature may provide for the enlistment into the active force of such other persons as may make application to be so enlisted.

3. *Organization.*—The militia shall be organized and divided into such land and naval, and active and reserve forces, as the Legislature may deem proper, provided however that there shall be maintained at all times a

force of not less than 10,000 enlisted men, fully uniformed, armed, equipped, disciplined and ready for active service. And it shall be the duty of the Legislature at each session to make sufficient appropriations for the maintenance thereof.

4. *Staff.*—The Governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; he shall also nominate, and with the consent of the Senate appoint, all major-generals.

5. *Other officers.*—All other commissioned and non-commissioned officers shall be chosen or appointed in such manner as the Legislature may deem most conducive to the improvement of the militia, provided however that no law shall be passed changing the existing mode of election and appointment unless two-thirds of the members present in each house shall concur therein.

6. *Commissions.*—The commissioned officers shall be commissioned by the Governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

ARTICLE XII.—Cities and Incorporated Villages.

1. *Organization.*—It shall be the duty of the Legislature to provide for the organization of cities and

incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

2. *Classification.*—All cities are classified according to the latest State enumeration, as from time to time made, as follows : The first class includes all cities having a population of 250,000, or more ; the second class, all cities having a population of 50,000 and less than 250,000 ; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws ; general city laws are those which relate to all the cities of one or more classes ; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within 15 days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill ; but the Legislature may provide for the concur-

rence of the Legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon.

Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such 15 days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city", or "cities", as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city", or "cities", as the case may be.

3. *Elections.*—All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall

expire at the end of an odd-numbered year. The terms of office of all such officers, elected before the 1st day of January, 1895, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

ARTICLE XIII.—Oath of office.

1. *Form prescribed.*—Members of the Legislature, and all officers, executive and judicial, except such inferior officers as shall be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of ————, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised

to pay, contributed, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

2. *Taking bribes.*—Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offence of bribery.

3. *Offering bribes.*—Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it was tendered, shall be deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

4. *Trial for bribery.*—Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

5. *Railroad passes.*—No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section, shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General. Any corporation, or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment except as herein provided. No person, or officer or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same.

6. *Prosecution.*—Any District Attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed

from office by the Governor, after due notice and an opportunity of being heard in his defence. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law.

ARTICLE XIV.—Amendments.

1. *How made.*—Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the Constitution from and after the 1st day of January next after such approval.

2. *Constitutional conventions.*—At the general election to be held in the year 1916, and every 20th year thereafter, and also at such times as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every Senate district of the State, as then organized, shall elect 3 delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect 15 delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the Assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election,

returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the State at the time and in the manner provided by such convention, at an election which shall be held not less than 6 weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

3. *Legislative amendments.*—Any amendment proposed by a constitutional convention relating to the same subject as an amendment proposed by the Legislature, coincidently submitted to the people for approval at the general election held in the year 1894, or at any subsequent election, shall, if approved, be deemed to supersede the amendment so proposed by the Legislature.

ARTICLE XV.—Date of Taking Effect.

1. This Constitution shall be in force from and including the 1st day of January, 1895, except as herein otherwise provided.

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